

Eight days in April: the neutron bomb debate

Book reviews by John J. O'Connor, Martin Plissner, Jeff Greenfield, Haynes Johnson

# COLUMBIA JOURNALISM REVIEW

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NATIONAL MEDIA MONITOR • PRESS / RADIO / TV

## THE PRESS AND THE COURTS: SQUEEZE ON THE FIRST AMENDMENT

Wide World



New York Times reporter Myron Farber in Bergen County Jail

# “Take an

GRAY NUMBERS, 1958. Encaustic and collage on canvas, 67 x 49½". Private collection.



LIGHT BULB, 1960.  
Painted Bronze, 4¼ x 6 x 4".  
Collection the artist.



MAP, 1963. Encaustic and collage on canvas, 60 x 93". Private collection.





# object.



FLAG, 1955. Encaustic, oil and collage on fabric. 42 1/4 x 60 3/8. The Museum of Modern Art, N.Y.

## Do something to it. Do something else to it. Do something else to it."

That's a quotation from the notebooks of Jasper Johns, and you can see some of the classic results of his method on the left.

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\*Jasper Johns, an exhibition organized by the Whitney Museum of American Art, New York, N.Y., appeared there from Oct. 18, 1977 to Jan. 22, 1978. Subsequent showings include: Museum Ludwig, Cologne, Feb. 12 to March 26, 1978; Centre National d'Art et de Culture Georges Pompidou, Musée National d'Art Moderne, Paris, April 18 to June 4, 1978; Hayward Gallery, London, June 21 to July 30, 1978; The Seibu Museum of Art, Tokyo, Aug. 19 to Sept. 26, 1978; San Francisco Museum of Modern Art, Oct. 20 to Dec. 10, 1978. The exhibition is made possible by grants from the National Endowment for the Arts and Philip Morris Incorporated.

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L&M Lights	7	0.6
Lark	17	1.1
Marlboro	17	1.0
Marlboro Lights	12	0.8
Marlboro Menthol	14	0.8
Merit	8	0.6
Merit Menthol	8	0.6
Multifilter	13	0.8
Newport	18	1.3
Parliament	9	0.6
Raleigh	16	1.0
Real	9	0.7
Real Menthol	8	0.6
Salem	16	1.1
Salem Lights	10	0.8
Vantage	11	0.8
Vantage Menthol	11	0.8
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—Excerpt from the Review's founding editorial, Autumn 1961

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# CHRONICLE

## STRIKE

### New York in limbo: the story thus far

New York City's three major newspapers entered 1978 faced with the necessity of negotiating agreements with all their unions except the International Typographical Union, which had a long-term contract. As of August 1, the papers had reached a handful of agreements—notably ones between the deliverers' union and the *Times* and the *Daily News*, and, after a brief strike in June, between the Newspaper Guild and the *News*. But the year's main event proved to be the confrontation between the Publishers' Association of New York City, representing the three newspapers, and Printing Pressmen's Union No. 2, which is known to its parent organization, the International Printing and Graphic Communications Union, as "Newspaper 2." Newspaper 2 had not struck since 1923, when it accepted pressroom manning arrangements that lasted the next fifty-five years. In the 1970s, however, the publishers made it clear that they would no longer accept 1923 manning levels; as early as 1976 the Times Company had announced reduction of pressroom crews as a major objective and in April 1977 Arthur Ochs Sulzberger, chairman and president, had told stockholders that pressroom manning was the paper's most serious problem. Even so, negotiations in 1978 with Newspaper 2 remained desultory until May 10, when the *Times* and the *News* abruptly informed the pressmen that a new contract, providing for crew reductions, had to be agreed to before the July 4 weekend so the *Times* could change to new typesetting and printing processes. That deadline was not met, but the *Times* made its technological shifts anyway. On July 11, the publishers set a new deadline, August 8. Such were the preliminaries to the conflict that was joined the next month:

**August 2:** The pressmen revealed to other members of the Allied Printing Trades Council, the coalition of newspaper unions, the terms of the publishers' last proposal, made on June 2. These

terms gave management complete authority to determine the size of crews, while guaranteeing a job for the life of the contract to employees with ten or more years with one employer and a record of working more than 200 shifts in 1977. The pressmen claimed that the proposals, particularly the requirement of ten years' service with one employer, would put out of work nearly half of their 1,600 members, notably those who had worked for establishments that had closed, such as the *Long Island Press*, and were now working for one of the three metropolitan dailies.

**August 3:** The publishers announced that the three newspapers would post revised working conditions on August 8 to supersede the contracts that had expired March 30 but had remained in force. The conditions included: immediate wage increases at the *News* and the *Times* of \$23 a week, and comparable increases at all three papers in 1979 and 1980; management authority over manning and sched-

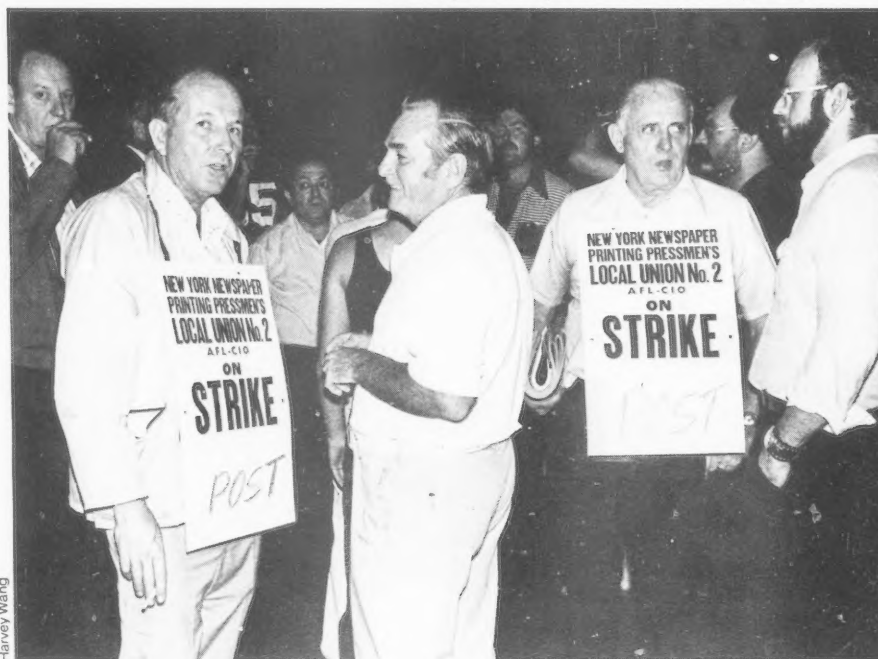
uling in pressrooms; and a guarantee of five shifts a week for pressmen who had worked for one employer for three years. H.J. Kracke, executive director of the Publishers' Association, claimed that these conditions were comparable to those in pressmen's contracts elsewhere, and complained that the New York local had demanded "even greater numbers of employees."

**August 5:** Newspaper 2 voted 551-1 to authorize a strike. William J. Kennedy, Jr., the union's president, announced: "If the rules are posted, a strike will be automatic."

**August 8:** A federal mediator, Kenneth E. Moffett, persuaded management to wait twenty-four hours before posting the new rules.

**August 9:** While the mediator and union negotiators waited in the evening for a response to a union proposal, the *News* posted work rules and the *Times* soon followed. (The *Post* did likewise early the next morning.) The pressmen set up

*Striking pressmen picket the Post on August 10.*



Harvey Wang

# DOES THE GOVERNMENT SUP



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Some people want to hear only one side of an argument.

That's not you, obviously—or you wouldn't be reading this.

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newcomers, a fall in the price of tobacco, a drop in the income of small farmers to the point where many would be squeezed off the land and onto welfare rolls, sharp decreases in tax collections in the 22 states that grow tobacco, widespread disruptions in the banking and commercial systems and, if you want to follow the scenario out to its grim conclusion, very likely a regional recession.

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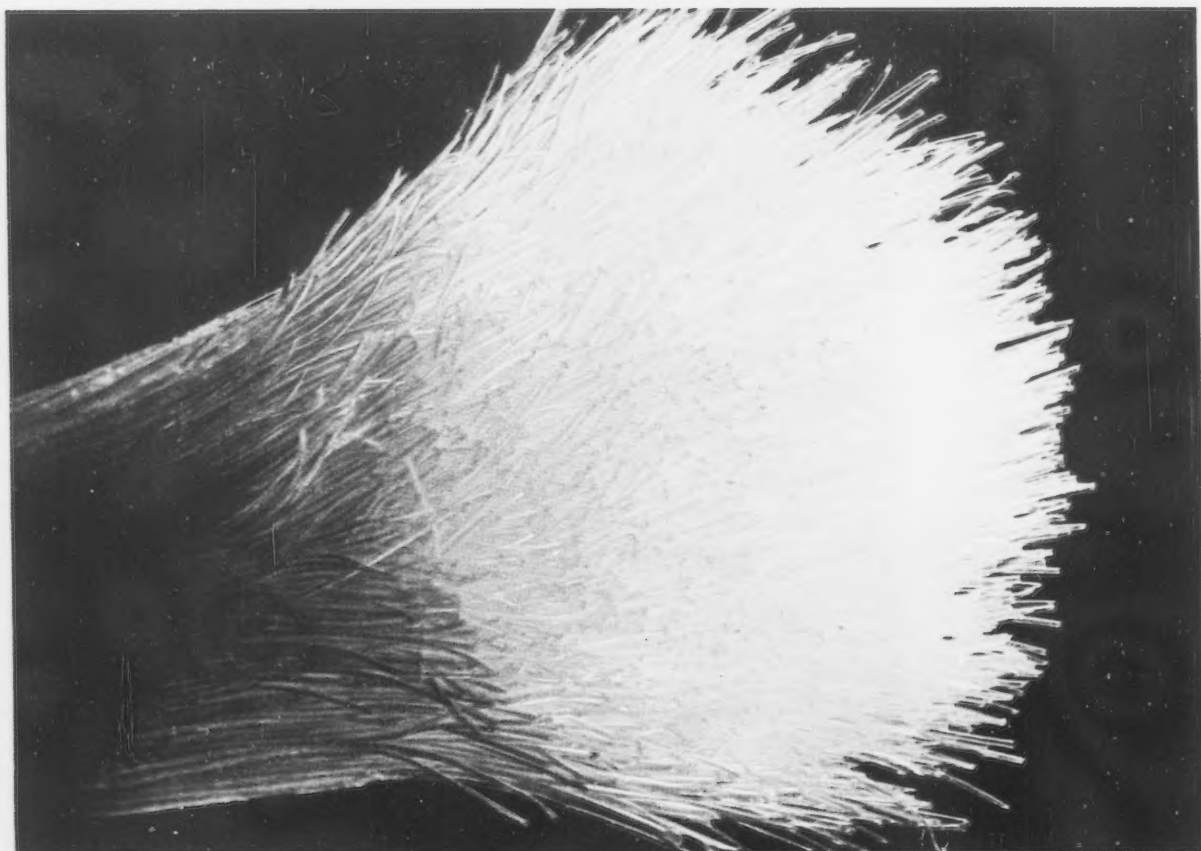
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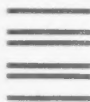
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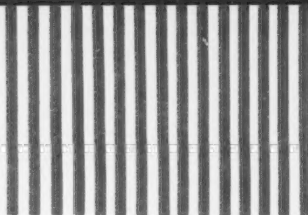
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picket lines, the other unions refused to cross them, and the newspapers suspended publication. (The *Times*'s syndicated news service continued to function, at reduced levels.) Altogether, some 10,000 newspaper employees were out of work.

**August 10:** Westchester Rockland News papers, a Gannett subsidiary, announced that it would start a morning edition of its newspapers. The *News World*, a daily published by investors affiliated with Sun Myung Moon's Reunification Church, announced that it had increased its press run sixfold to 300,000. The paper's promotion manager called the strike "a miracle."

**August 13:** Kennedy, the pressmen's president, warned, "It could be a very long strike." Kracke, spokesman for the publishers, said, "I don't see a short strike."

Christopher Hagedorn, publisher of six local weeklies, announced plans for *City News*, an interim daily; his father had provided a similar service during the newspaper shutdown of 1962-1963.

**August 14:** Brief, unfruitful negotiations began, and were adjourned two days later. Rupert Murdoch, publisher of the *Post* (and of *New York* magazine and the weekly *Village Voice*, both of which thrived in the strike), told a *Soho Weekly News* reporter, "You won't see a settlement for a long, long time."

**August 17:** After a meeting of the Allied Printing Trades Council, its president, George McDonald of the mailers union, announced, "This is a union town and there will be no *Washington Post* scene here." He was referring to the pressmen's strike at *The Washington Post* in 1975 that had resulted in the union's ouster at that newspaper.

The paperhandlers' union, affiliated with the pressmen, struck the three dailies. One factor in the strike was the paperhandlers' resentment over an arbitrator's decision fining them nearly \$225,000 for a walkout in February at the *News*.

Hagedorn's *City News* began publication, under the editorship of William Federici, normally of the *Daily News*,

Although United Press International had refused service to strike-time papers in the past, *City News* soon began to receive U.P.I. service and expanded from thirty-six pages to as many as 104 on weekdays and even more on Sundays. The first press run was about 250,000. Hagedorn said that *City News* would fold as soon as the strike ended.

Plans to announce still another paper, the *New York Observer*, involving principals from the *Trib*, the short-lived daily that had appeared in New York early in 1978, failed to jell, and a news-conference announcement was canceled at the last moment.

**August 20:** *The Washington Post* reported that Murdoch appeared "to be the power" behind *The Daily Metro*, due on the newsstands the next day; that *Post* executives were heavily involved in managing the *Metro*; and that Murdoch himself had called major advertisers to seek advertising for the paper. A spokesman for the *Times*, told of this involvement, said, "I just don't believe it."

**August 21:** *The Daily Metro* appeared. This daily was published by Frederick Iseman, whose brief experience in journalism included a stop as a deputy on the *Times*'s op-ed page. Alvin Davis of the *Times* was editor; much of the rest of the

staff came from the *Times*. *Metro* had an Associated Press wire, because, as the A.P. explained, it was a "bona fide" newspaper and not connected with either the unions or the publishers of the struck newspapers. Murdoch said of *Metro*, "I have no equity in it," but conceded that he was buying 150,000 copies a day to supply *Post* home-delivery routes.

Another interim daily, the *Daily Press*, started. Its publishers, Gary and Mark Stern, had made a specialty of publishing dailies in strikebound cities; this was their first New York venture. By comparison with *City News* and the *Metro*, the *Press* remained skimpy as did the intermittently published *Graphic*.

The *Times* announced that it would stop or reduce insurance programs involving union employees as of September 1 (later amended to September 30).

**August 22:** The *Post*'s Newspaper Guild unit called a strike following what it called a management walkout; the action followed months of effort by management, to a great degree successful, to reduce the unit's size and authority. A final blow had been the filing on August 17 of a federal court suit to take away the Guild's right to have grievances arising since April 15 heard by an arbitrator.

**August 23:** Geoffrey Stokes reported in

The first issue of the *Daily Metro* goes to press on August 21.



Harvey Wang

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N B L E U C O G N A C

*The Village Voice* (dated August 28) that *The New York Times*, although denying an official connection with *City News*, had nonetheless arranged to have the paper delivered to 225,000 *Times* subscribers.

Fred Danzig of *Advertising Age* estimated revenue losses for the three newspapers at \$2 million a day, three quarters of it in lost advertising.

**August 24:** Stephen Grover reported in *The Wall Street Journal* that the *Daily News* had also arranged delivery of a stand-in newspaper, the *Daily Press*.

**August 25:** Members of little Local 434, International Association of Machinists, struck the three dailies.

**August 26:** Theodore Kheel, labor-law specialist and mediator of past newspaper strikes, charged that the publishers had precipitated the strike at a time when advertising losses would be minimal.

**August 27:** A small automotive union, which serviced trucks at the *Daily News*, went on strike.

**August 29:** First and penultimate issue

of *Behind the Lines* appears; it was a newsletter for those working inside the *Times* during the strike. Its concluding poem said, in part: "You may think me naive, but I cannot believe/That this thing can go on very long."

Negotiations resumed, with Murdoch, wearing a new hat as president and spokesman for the Publishers' Association, offering a "major new initiative" increasing the number of guaranteed jobs for the pressmen. The union responded that it saw no merit whatsoever in the proposals.

**August 30:** The pressmen made a counter-offer. Kennedy, their president, said, "This should end it."

**August 31:** The federal mediator postponed negotiations indefinitely.

**September 6:** Iseman, anticipating exposure in a suit filed by an excluded would-be cofounder of the *Metro*, revealed that on August 17 he had concluded an agreement with Murdoch that would have permitted the latter to buy the paper after the strike; in addition,

Murdoch had advanced the paper "several hundred thousand dollars." On hearing this confirmation of widespread rumor, most of the paper's editors and reporters walked out, led by the editor, Davis. During the day, Murdoch and Iseman amended their agreement to state that *Metro* would cease publication after the strike and that the option to buy was null. A Murdoch spokesman explained that the option to buy had not been with the widely rumored intent to close the *Post* and start a morning paper, but rather to defend the *Post* against other possible buyers of the *Metro*. Nonetheless, carpenters pointed out, Murdoch could still come into possession of the *Metro* by foreclosure. Before the day's end, much of the staff, mollified (and in need of the pay), returned to work, but the editor, Davis, did not.

**September 11:** Kheel announced that he would join the resumed negotiations as a union advisor, at the invitation of the Allied Printing Trades Council.

**September 12:** *News World* reported that *Today*, the new morning edition of the Gannett Westchester newspapers, would continue to publish after the strike; Gannett management later confirmed the report, thus intensifying the suburban competition that had worried the central-city papers.

**September 15:** Negotiations broke off again, with Murdoch denouncing what he called the pressmen's "completely intractable attitude" and announcing talks with nine other newspaper unions aimed at resuming publication without the pressmen. The *Daily Metro* reported that the three newspapers had set a target date for resumption of September 25.

**September 16:** George McDonald, head of the Allied Printing Trades Council, rejected the publisher's idea that other unions would return to work before the pressmen settled: "If they think that, they're living in a dream world." Kheel meanwhile requested admission to all future negotiating sessions to help him ascertain "who is acting in good or bad faith."

**September 18:** The publishers rejected Kheel's bid; Murdoch charged that

*The Post resumes publication on October 5.*



Harvey Wang

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Kheel was trying to inject himself as an arbitrator and that he was the creature of the unions.

**September 19:** Kenneth Moffett, the federal mediator, urged the disputants to come to Washington for talks. Murdoch continued to oppose a role for Kheel: "I think it's time . . . for the unions to gag him."

**September 20:** In the *Soho Weekly News*, reporter Jane Perlez quoted Kheel as reiterating his position on the publishers' responsibility for the strike: "There's no question they precipitated it. Those are facts—I'm not charging them . . . The publishers should remember the fifteen letters of thanks I've received from them since 1963 for settling newspaper disputes."

**September 25:** After hesitation, the publishers joined the talks at the Federal Mediation and Conciliation Service in Washington. Moffett, the mediator, announced: "We'll keep them here until

we get them a deal, one way or another." Pause. "That is, unless everyone leaves." He imposed a news blackout. The publishers' representatives complained that they had been unable to find hotel rooms.

**September 26:** Everyone left Washington.

**September 27:** On the return of the negotiations to New York, the *Post* withdrew, much as it had withdrawn from joint negotiations with the newspaper deliverers in the spring. Howard Squadron, a *Post* lawyer, complained about Kheel: "The process is becoming increasingly one in which Mr. Kheel's role is one of arbitrator . . . we're not prepared to stay with that kind of proceeding." He added that the *Post* had not resigned "for the moment" from the Publishers' Association. A *Times* representative commented simply that negotiations with the pressmen would continue. A *Daily News* spokesman said of Mur-

doch's exit: "Marvelous." A story in *The Wall Street Journal* noted the parallel between the *Post*'s withdrawal and that in 1963 of Dorothy Schiff, then publisher of the *Post*, from the Publishers' Association to resume publication during the 114-day printers' strike.

*Newsday* reported on September 28 that Kheel had been engaged in behind-the-scenes negotiating with the unions, the *Times*, and the *News*, and that Murdoch had blown the whistle with his walkout. A *Times* spokesman called the report "nonsense," but the Associated Press reported that Moffett, the federal mediator, had withdrawn from the negotiations on account of it. It was confirmed that Kheel had at least met privately with an executive of the *News*. Of Murdoch, Kheel now said that he tended to believe stories that Murdoch did not want the strike settled and might close the *Post* and go into the morning field; he added: "It's the only logical ex-

## Did you call State Farm last year for help on a story? 541 other reporters did.

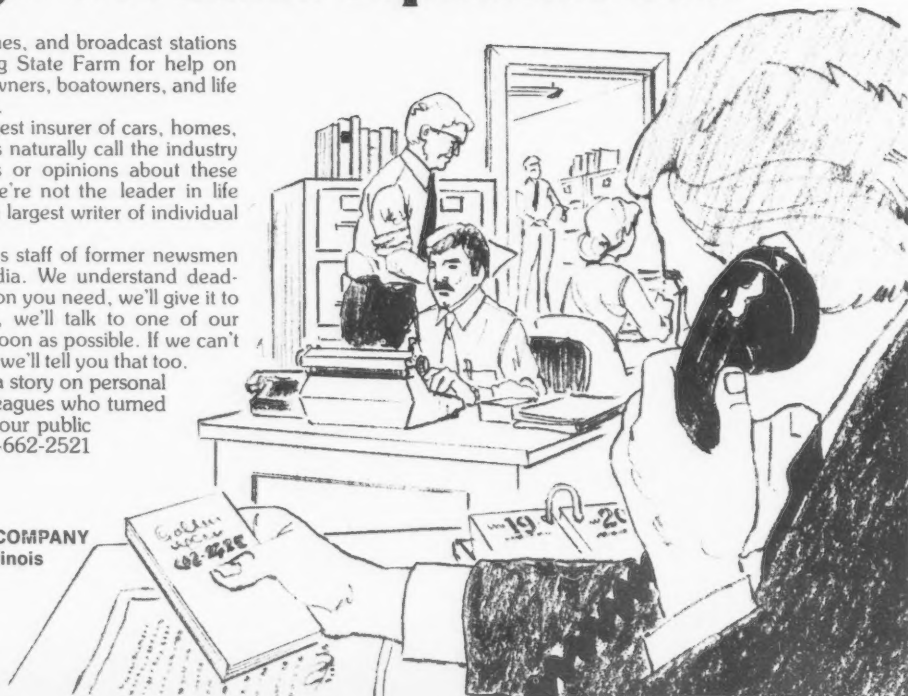
Reporters on papers, magazines, and broadcast stations across the country are calling State Farm for help on stories involving auto, homeowners, boatowners, and life insurance. Why? Two reasons.

First, we're the nation's largest insurer of cars, homes, and pleasure boats. Reporters naturally call the industry leader when they need facts or opinions about these forms of insurance. While we're not the leader in life insurance, we are the seventh largest writer of individual life policies.

Second, our public relations staff of former newsmen welcomes calls from the media. We understand deadlines. If we have the information you need, we'll give it to you right away. If we don't, we'll talk to one of our experts and call you back as soon as possible. If we can't get the information you need, we'll tell you that too.

When you need help with a story on personal insurance, join your 541 colleagues who turned to State Farm last year. Call our public relations department at 309-662-2521 or 662-2063.

**STATE FARM MUTUAL  
AUTOMOBILE INSURANCE COMPANY**  
Home Office, Bloomington, Illinois







"It's going to be between *Star Wars* and *Scientific American*—150 pages, 60 lb coated stock, 100 lb covers, it'll sell for \$2 on the newstands. We're guaranteeing 500,000 on the first issue on a print order of 1 million . . ." As it turns out, the first issue contains 178 pages, forty-nine of which are full-page ads.

*Omni* does, indeed, combine traits of the far-out film and the respectable *Scientific American*. "The editorial premise of *Omni*," Guccione writes, in a comparatively lucid passage on the publisher's page, is "an original if not controversial mixture of science fact, fiction, fantasy, and the paranormal."

The mixture is not original, of course. The *In Search of . . .* series aired on NBC muddled scientific fact and fiction, as have scores of books about paranormal and other mind-boggling phenomena. The mixture is controversial, however. On television, pseudo-documentaries about such phenomena are designed to appeal to the credulous, and witless speculation is palmed off on a gullible public as thoughtful inquiry.

In *Omni*'s case, fiction—four sci-fi stories appear in the October issue—is at least clearly labeled as such. Nonfiction

appears in various forms and locations. Most of the regular columns are written by reputable authors or by scientists of some eminence. Kenneth and David Brower, "the celebrated environmentalists," write a column called "Earth"; Dr. Bernard Dixon, editor of the British weekly *New Scientist*, writes a column called "Life"; Mark R. Chartrand III, director of the Hayden Planetarium in New York City, writes "Space"; and NASA scientist James Oberg writes "UFO Update." Oberg does not get carried away by his tricky subject. His column describes the clash between "establishment scientists" and "UFO enthusiasts," explains that the latter "have mounted an impressive scientific program designed to demonstrate, finally, that UFOs exist," and concludes: "The level of carelessness of many pro-UFO experts has markedly declined, so progress is being made."

Much longer than any of these columns is "The Arts" (Books/Film/TV), written by James Delson, who is otherwise unidentified. After reviewing several books on life in space, Delson moves on to films and TV shows, writing that "even that bastion of good taste and

educational fervor, the Public Broadcasting Service, has jumped on the *Star Wars* bandwagon," apparently referring to a pilot series dramatizing works of speculative science fiction in production for PBS's spring/fall 1979 season. Delson lists and comments on the "well over a dozen science and science fiction programs being presented this fall on the tube" and also ticks off the fall science-fiction films awaiting release—nineteen of them, a "great number" of which "appear to be low-budget ripoffs." While Delson occasionally puffs his subject matter, in general he retains his objectivity, observing, for example: "Science fiction may not be here to stay, for the quality of many efforts will surely tax the patience and credulity of even the most devoted enthusiasts . . ."

It is the lavish illustrations and their captions that do most of the huffing and puffing for space and the paranormal or the merely mysterious in *Omni*. "By the year 2,000," states a caption to an illustration for Delson's column, "space settlements at the Legrange [sic] points may be home for 10,000 workers." Well, maybe. And a picture showing a Frisbee-like disc against a blue background, used

## THE JOHN HANCOCK 12th ANNUAL AWARDS FOR EXCELLENCE IN BUSINESS AND FINANCIAL JOURNALISM

Once again, John Hancock Mutual Life Insurance will honor professional writers judged to have contributed significantly to reader understanding of business and finance through articles published during 1978.

This year, awards in all six categories are being increased to \$2,000. They will be presented to winners at an awards presentation program to be held at one of America's leading academic institutions in the fall of 1979. The 1977 awards were presented at a program co-sponsored by Southern Methodist University on October 4, 1978.

Basic objective of the annual Awards for Excellence program is to foster improved public understanding of business and finance, with particular emphasis on lucid interpretation of the complex economic problems which affect the lives of all citizens.

For entry blanks and information, write "Awards for Excellence," T-54, John Hancock Mutual Life Insurance Company, P.O. Box 111, John Hancock Place, Boston, MA 02117. Postmark deadline for submitting entries is January 31, 1979. Six unmounted copies of each entry must be submitted. Each entry must be accompanied by an official entry form.

- Winners in Eleventh Annual Competition
- Syndicated and News Service Writers  
Brooks Jackson and Evans Witt, Associated Press
- Writers for National Magazines of General Interest  
William Tucker, *Harper's Magazine*
- Writers for Financial-Business Publications  
Chris Welles, *Institutional Investor*
- Writers for Newspapers with Circulation above 300,000  
Harry Nelson, Paul Steiger, S.J. Diamond, and Alexander Auerbach, *Los Angeles Times*
- Writers for Newspapers with Circulation of 100,000 to 300,000  
Philip Moeller, Larry Werner, Phil Norman, Ben Hershberg, Jim Thompson and Dan Kauffman, *Louisville Courier-Journal*
- Writers for Newspapers with Circulation under 100,000  
Jeff Kosnett, *Charleston Daily Mail*

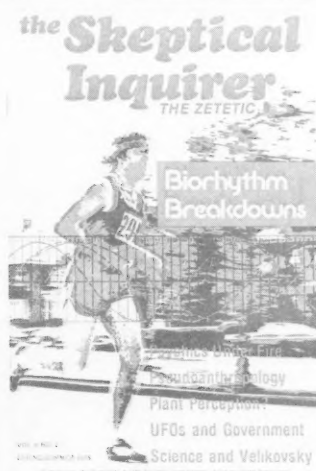
### Judges

Dr. Alan B. Coleman, Dean, Cox School of Business, Southern Methodist University  
Richard C. Garvey, Editor, *Springfield Daily News*  
Myron Kandel, Business-Financial Editor, *New York Post*  
John F. Lawrence, Assistant Managing Editor for Economic Affairs, *Los Angeles Times*  
Clem Morgello, Editor, *Dun's Review*

*John Hancock*

Mutual Life Insurance Company

Boston, Massachusetts



The covers of the first issue of *Omni* and of a recent issue of *The Skeptical Inquirer*

to illustrate Oberg's "UFO Update," bears this caption: "UFO experts give 'the benefit of the doubt' to this Yungay, Peru photo and believe it genuine"—a claim not made in Oberg's column, which does, however, mention "a small list of photos that they [members of the Grand Saucer Watch office in Phoenix] suggest could be genuine."

"Continuum," an eight-page section of short pieces put together by Kenneth Jon Rose and printed on aluminum-colored paper, compounds the confusion between science and sci-fi. While some of the articles deal with scientific discoveries, others are merely leg-pulls and a few push bizarre products or theories. Readers are offered a clone kit ("Need some carbon copies of your spouse? Of someone else's spouse?") conceived and assembled by "four Philadelphia journalists including Pulitzer-Prize-winning cartoonist Tony Auth. . . . The kit goes for \$6.95. . . ."

Slipped in between futuristic drawings and photographs, popping up between pieces of fiction, the more traditional articles dealing with science and scientists—of which I counted four—tend to seem square pegs in the black holes of Guccione's surging cosmos. The juxtapositions can be grotesque. Thus, for example, a careful article on investigations of the Turin shroud, written by Barbara J. Culliton of *Science* magazine, immediately precedes a story called "Time Warp," by Theodore Sturgeon, which begins: "He was sleek and he was

furry; he was totally amphibious, and Althair the Adventurer was what he really was." It is an exceedingly silly story, told in modified baby talk.

To come down from the high, or to recover from the whiplash, that may be induced by reading "the first magazine to combine science fact with science fiction," readers may want to turn to *The Skeptical Inquirer*, a magazine published by the Committee for the Scientific Investigation of Claims of the Paranormal, whose "fellows" include Carl Sagan, B.F. Skinner, and Isaac Asimov. (The *Inquirer's* address is Box 29, Kensington Station, Buffalo, New York 14215.) As the editors of *Omni* acknowledge in a sidebar article, the U.F.O. subcommittee of this organization of concerned scientists tackles the best U.F.O. cases on record, "often with spectacular success, much to the dismay of most U.F.O. buffs."

A one-year subscription to the monthly *Omni* costs \$18; a one-year subscription to the quarterly *Skeptical Inquirer* (formerly *The Zetetic*) costs \$15. J.S.

#### Legal paper

A new weekly newspaper for lawyers, *The National Law Journal*, began publication on September 11. An offshoot of the daily *New York Law Journal*, its creation in part reflects "the increasing Federalization of law practice today, the need for hard-hitting, accurate reporting of the business of lawyering, and the rec-

ognition of a growing nationwide market," according to James A. Finkelstein, president of both publications. The first two issues were composed mostly of feature and background articles about trends and conditions affecting the practice of law, including a survey of the country's 200 largest law firms (their 1978 starting salaries for lawyers ranged from \$14,400 to \$28,500). Journalists might find much to interest them in the *Journal's* pages, including a weekly summary of Freedom of Information Act requests. The newspaper has editorial offices in New York, Washington, Los Angeles, Chicago, and Houston. Josh Fitzhugh is the editor-in-chief. The address for subscriptions: P.O. Box 937, Farmingdale, New York 11737 (\$1.50 a copy; \$48 a year).

#### Arts paper

*The Chronicle Review*, a tabloid billed as a "highly selective guide to books and the arts," has been started as a fortnightly supplement to the weekly *Chronicle of Higher Education*. Corbin Gwaltney, who edits both publications, allows in a press release that there is some truth in his printer's remark that the new publication is "a *Rolling Stone* for high-brows." Its first issue, thirty-two pages long, contains profiles of Ronald Eyre, of PBS's new series *The Long Search*, and of critic Roger Sale, as well as listings, a long and interesting book-review section, as well as articles and reviews of films, television, theater, and music. The first issue was dated September 18. A subscription to both the *Chronicle* and the *Review* costs \$25; the address: 1717 Massachusetts Avenue, N.W., Washington, D.C. 20036.

#### The race is on

There used to be only *Runner's World*. But now that 20 million Americans are running more or less seriously, they are being pursued by new magazines. Perhaps the flashiest is *The Runner*, published by *New Times*, the successful news weekly that now is a subsidiary of the Music Corporation of America. *The Runner's* first issue (October) featured dozens of articles and ads showing happy runners running up mountains, along roads, through parks, across bridges. The articles tend to be about what seems to concern runners most: "All about Body Fat" and "Dreams and the Run-Conscious," for instance. Single copies are \$1.50; subscriptions are \$12 a year.



## PUBLISHER'S NOTES

### Mob reporting

Time of September 18 told of an incident at the press center near the Camp David summit talks:

Just as a *Newsweek* reporter sat down to interview ABC White House correspondent Sam Donaldson about his adventures covering the summit, a Swedish television crew glided up to film the exchange. Within seconds, an Israeli TV unit began filming the Swedes filming the *Newsweek* reporter interviewing ABC's Donaldson. Then two Egyptian journalists sidled over and began taking notes on how the Israelis were filming the Swedes filming.

That sort of reportorial incest was almost all that the 300-odd reporters and broadcast personnel could find to do during the thirteen days of Begin-Sadat-Carter negotiations. And when the final agreement was reached, the three negotiators returned to Washington to announce the results at a White House press conference, where the 300 were joined by correspondents who hadn't left Washington in the first place.

President Carter, despite campaign assurances about open diplomacy, had learned that the most effective negotiating is done in private—and had so conducted the Camp David talks. This writer, wearing a research hat, has found that all experienced diplomats agree on that point. In the historic Trieste negotiations of 1954, for example, the four principal negotiators (Italian, Yugoslav, British, and American) agreed that their success stemmed in large part from the fact that the press didn't even know that the discussions were going on. Secrecy forestalls the kinds of leaking and grandstanding that can so easily wreck delicate negotiations. Woodrow Wilson's "open covenants openly arrived at" has been revised, in effect, to "open covenants privately arrived at but openly ratified."

How much less wasteful it would

be in such cases for news media to rely on the wire services, the supplementary services, and one or two broadcast pools and to have White House assurances of advance notice of any final press conference. Then some of those 300 could have spent time looking into the State Department's embarrassment over how to deal with the uprisings in Nicaragua or the turmoil in Iran. Or they might have dug into the rising pressures for more limitation of imports into the U.S. And at least a few might have investigated the equivalent of the G.S.A. chicanery, which had been suspected but unreported for years.

### Who reads CJR?

If you are the typical reader of CJR, you work in communications, are about thirty-five years old, have a college degree, and spend about two hours reading each issue.

Chances are you don't precisely fit the description, but that is the profile produced by a just-completed survey of CJR subscribers done by the respected research firm of Erdos and Morgan. The survey sampled only the 28,000 individual subscribers and did not cover newsstand buyers, institutional subscribers, library or club readers, or the former *More* readers now served by CJR.

To be precise, 63 percent of the sample of 677 are in communications, 5.2 percent in government, 11.4 percent in education (often journalism education), 6.9 percent retired, and 6.2 percent students. Ninety-six percent attended college, and 79 percent are college graduates, while 48 percent have done post-graduate study, and 32 percent have graduate degrees. Approximately 72 percent are male. Eighty-nine percent say they read their copies at home or both at home and at work. The respondents testify that an average of 2.2 others read their copies, bringing average per copy readership to a total of 3.2 (not including li-

brary and corporate subscriptions).

Of the total subscribers in communication work, 44 percent are with newspapers, 11 percent with magazines, 22 percent with television or radio, 6 percent with news services, 16 percent in public relations, and 14 percent in free-lance writing.

If the percentages are applied to the full list of individual subscribers (not counting institutional subscribers), we find approximately 930 (3.8 percent) publishers, 4,470 (18.2 percent) editors and assistant editors, 3,850 (15.7 percent) reporters, 460 (1.9 percent) broadcast news directors, 680 (2.8 percent) broadcast producers, and 660 (2.7 percent) newscasters and announcers.

By areas of work, we find 2,130 (8.7 percent) on editorial pages, 2,750 (11.2 percent) doing columns or commentary, 7,170 (29.2 percent) in general news, 2,820 (11.5 percent) covering business and finance, and 610 (2.5 percent) covering travel. Some have more than one specialty.

Of the whole sample, incidentally, 47 percent think communication of news is more accurate in general than it was eight or ten years ago; 15 percent think it is less accurate, and 34 percent think it is about the same.

### Advertising pressure

Those who doubt improvement in journalism might recall how three or four decades ago there were repeated charges—sometimes with justification—that many newspapers suppressed news that was distasteful to advertisers. Then note the widespread current publicity on problems with Ford's Pinto and Firestone's radial tires. The millenium certainly isn't here but it's a little less far away.

Incidentally, since the *Review* began accepting ads three years ago, it has not received a single advertiser suggestion about editorial content.

E.W.B.

A free press is not a privilege but an  
organic necessity in a great society.

Walter Lippmann

**NORTHROP**

Making advanced technology work.

# COMMENT

## Farber's book

Starting on page 43, the *Review* offers in this issue documents and comment dealing with three recent First Amendment news-gathering cases, including, of course, that of Myron A. Farber and *The New York Times*. The editors intentionally omitted from that compendium anything related to Farber's commitment to write a book about the Jascavevich affair, believing that the controversy on this topic contributes little or nothing to the First Amendment aspects of the case.

This is not to say, however, that Farber's uncompleted book is not an issue. It is, because the book has provided Jascavevich's defense and various judges a means for attacking Farber's reputation and for tarnishing his claims as a reporter to a right to protect his sources. The worst damage was inflicted by the sharp tongue of Frederick Lacey, a federal judge in Newark who in mid-August was conducting a hearing on bail for Farber, then in jail for contempt in the Jascavevich trial. Lacey was incensed because, until the defense asked for the files from the two publishing companies involved with Farber's book project, Farber had not mentioned the book contract officially. (He readily discussed it, however, once the defense made its request, and he even, reluctantly, turned over the rough-draft chapters to the court.) Under the delusion that the manuscript, which he had not seen, would reveal the sources Farber has persisted in trying to keep secret, and outraged to learn that the reporter had accepted a \$75,000 advance for writing a book on the Jascavevich case, Lacey said: "This is a sorry spectacle of a reporter standing on First Amendment principles, standing in sackcloth and ashes, when in fact he is standing at the altar of greed." Charging that Farber had a financial stake in seeing Jascavevich convicted, Lacey went on to say: "It troubles me that a man's life is at stake and here is another man, who is not strictly a newspaper reporter, who is profiting handsomely already and who has the power to help Jascavevich."

These ill-founded charges found a ready market, curiously, among journalists. In *The Washington Post*, for example, Farber was subjected to two critiques. Charles Seib, the paper's ombudsman, wrote of Farber: "The dollar sign has risen to taint his martyrdom." Haynes Johnson's column of August 16 accepted Judge Lacey's premises—to the point of using the judge's words that Farber would "profit handsomely" outside quotation marks. Neither of these essays

acknowledged that certain *Washington Post* reporters (remember Woodstein?) had profited from books about celebrated cases; neither mentioned that the *Post* is the *Times*'s bitterest rival; neither examined the veracity of Lacey's statements as did Jonathan Kwitny of *The Wall Street Journal*, who found them "false" or "erroneous."

Does this mean that the book is a non-issue and that press criticism of Farber's deal is mere backbiting? Not necessarily, but it should be noted that while it looks bad—and *is* bad—for journalists to have any stake in a criminal case, Farber's personal stake is less important than the \$75,000 bet by two publishing houses, Doubleday and Warner Communications, that they can "profit handsomely" by Jascavevich's misfortunes and Farber's work as an investigative reporter. The trail leads back to an industry that can be, at its worst, disturbingly predatory, feeding off mass murder, disaster, and gossip. Farber, for his part, can be faulted for his timing. It is unseemly to appear to be waiting only for the jail door to slam before rushing to publication. Even so, this is a far less grievous fault than others that he has been accused of.

## Newspapers ante up against gambling

Many Florida journalists are unhappy that executives of newspapers there have spent more than \$145,000 of their companies' money to try to defeat a casino-gambling referendum. Officers of corporations such as the Chicago Tribune Company, Knight-Ridder, and Cox, along with smaller news organizations, apparently responded to requests from Governor Reubin Askew, who opposes the measure. Askew and other opponents of the referendum argue that casino gambling will discourage family tourism, drive away industry, and harm the quality of life for Floridians. Because some of the contributions came from large national newspaper corporations, they ought to be a matter of concern to all journalists.

If the Florida newspapers are not the first to spend money to influence the outcome of an election, they are among the first to do so openly. (By no means all of the state's major publishers joined in the anti-casino campaign; neither Gannett, which owns four newspapers in Florida, nor the New York Times Company, which owns two, went along.) Predictably, there were



protests from reporters and editors. According to a story in *The Miami Herald*, there were "angry memos" from *Herald* reporters about their paper's \$10,000 contribution; and *The Miami News*, which contributed \$12,500, printed a letter signed by forty-seven staffers who complained that "any political donation by the corporate side of a newspaper tends to compromise the position of members of the working press."

No one has claimed that reporters have been pressured to slant or slight their coverage of the issue, to be decided on November 7. Nevertheless, there are two fairly likely consequences for journalists when newspapers make such contributions. The first, given newspapers' traditional stance of being "above the battle" everywhere but on their editorial pages, is that their active role in a controversy is likely to become a distracting side issue, thereby distorting the public debate. (This has happened in Florida.) Second, and possibly more important for journalists, the public, unversed or uninterested in distinguishing between the corporate and the professional sides of news-gathering organizations—or even between which news organiza-

tions contribute and which do not—is likely to see reporters as advocates on controversial issues, and therefore less willing to talk to them and more skeptical of what they write. It is hard to see how news organizations contributing to such political-action campaigns can avoid in the long run losing more in staff effectiveness and public credibility than they ever are likely to gain from spending their shareholders' money to influence voters.

## Darts and laurels

**Dart:** to the *Post-Standard* of Syracuse, New York, for a low-blow report on the death of Italian middleweight boxer Angelo Jacopucci following a knockout. Jacopucci had a "slight pain in his brain," giggled the July 22 story, but "he doesn't have a headache any more."

**Laurel:** to *The Insurance Forum* newsletter, Ellettsville, Indiana, and its editor, Joseph M. Belth, for an enterprising inquiry (May) into an apparent conflict of interest presented by syndicated financial columnist

## Pope-pourri

# Church ponders God's design

*The Boston Globe* 9/30/78

## Viewing ends of Pope's body

*Galesburg (Ill.) Register-Mail* 8/9/78

## Pope's Death Stuns World, Brief Reign Cheered Many

*Pittsburgh Post-Gazette* 9/30/78

## Pope Paul Troubled By Death

*Daytona Beach Morning Journal* 8/17/78

### On Page C-1

Area Catholic leaders see pope as gentle man in difficult times

*Chronicle-Telegram (Elyria, O.)* 8/7/78

**ROP-093008-9/30/78-VATICAN CITY:** The sister of the late Pope John Paul 1st Antonia Luciani sprinkles Holy Water on the body of the pontiff 9/30, watched by one of the Pope's grand children, Lina Petri.

UPI 9/30/78

Sylvia Porter: her 1977 column commending deposit term life insurance and specifically mentioning Madison Life Insurance Company had failed to disclose Porter's personal ownership of 12,500 shares of the Madison parent company's stock.

*Dart:* to the *Cleveland Plain Dealer*, for front-page contributions to the crisis atmosphere that spurred the recall drive against the city's mayor: CITY TO RUN OUT OF CASH FOR PAYROLLS, ran one inaccurate headline two days before the vote; SERVICE WORSE UNDER MAYOR, POLL SHOWS, said another. (And thanks to Roldo Baltimole and his Cleveland newsletter, *Point of View*, for an incisive September 16 analysis of the local coverage of the attempted, unsuccessful recall.)

*Laurel:* to the *Standard-Times*, a Dow-Jones property in New Bedford, Massachusetts, and reporter Don Glickstein, for "Who Runs New Bedford?", an eight-part exposition beginning August 20 of the city's power centers—the corporations, the banks, the church, the unions, the lawyers, the politicians, organized crime, and the media. Its round-up of community judgments on the *S-T* itself—THE ONLY NEWSPAPER IN TOWN—included criticism of the paper's lack of investigative reporting, its failure to challenge the status quo, and its predictable Chamber-of-Commerce editorial policy.

*Dart:* to the *San Francisco Chronicle*. Following up the plugs in its July 23 Sunday entertainment section for *Nightmare in Blood*, a horror film co-produced by John Stanley, the section's associate editor, the *Chronicle* on July 26 went on to publish a favorable non-review by critic John L. Wasserman that made coy mockery of journalistic principle. Confessing in the last of twelve approving paragraphs that he had invested money in the picture, Wasserman concluded virtuously, "Thus, for me to review it would be a textbook case of conflict of interest."

*Laurel:* to the New Jersey edition of the New York *Daily News* and reporter Larry Bodine. Relentlessly pursuing a June 1977 report of a suspicious rooming-house fire that killed four mentally handicapped persons, Bodine unearthed the larger, shocking story of another of society's oppressed minorities—those "deinstitutionalized" patients systematically released from psychiatric hospital wards into the roach-infested, fireprone, overcrowded, and exorbitantly priced housing of the state's "shelter-care" program.

*Laurel:* to *Louisville Today* and author John Flynn, for "Sold Down the River," an eighteen-page journey

through a muddy story of environmental disaster and national scandal: the underwater basements, crippled sewage plant, lost farmland, and polluted, dying Ohio River that have followed in the wake of the U.S. Army Corps of Engineers' high-lift navigation dam, along with rising allegations of unauthorized construction, fraudulent land-buying practices, and violations of national river policy.

*Laurel:* to Robert Scheer and the *Los Angeles Times*, for the front-page August 6 article, BRONX—LANDSCAPE OF URBAN CANCER, an unforgettable evocation of the bleak struggles of the 1.5 million people trapped in an American Calcutta. (However, a *Times* promotional reprint of excerpts in the September 20 *Wall Street Journal* tastefully dropped the article's indictment of redlining practices by five of the largest local banks and their pivotal role in the borough's betrayal.)

*Dart:* to the *Greenwich (Connecticut) Time*, for subliminal male chauvinism. Consistently identifying the men in the news in dignified last-name style, the paper's headlines and editorials repeatedly refer to the state's governor, Ella Grasso, by her first name only, e.g., MORANO SAYS SARASIN WIN OVER ELLA MAY BE POSSIBLE. (Somehow, MIKE SAYS RONALD WIN OVER ELLA MAY BE POSSIBLE has yet to appear.)

*Laurel:* to the *Arizona Daily Star*, for "Tucson's Barrios: A View from Inside." The twenty-eight-page special section (July 16) provided a rare glimpse of the customs and culture, politics and planning, education and economics of the Chicano cities within the cities of America's Southwest.

*Laurel:* to *The Philadelphia Inquirer*, for candor. Notified by nightlife and entertainment columnist Bill Curry that he and a frequent news source had become partners in a restaurant-bar business, the *Inquirer* reassigned Curry to other duties and in a forthright September 13 item explained to readers the facts of the potential conflict-of-interest situation.

*Dart:* to the Greater Los Angeles Press Club, the U.S.C. School of Journalism, and the Los Angeles Chapter of the Society of Professional Journalists, Sigma Delta Chi, for a dubious cover-up. Together with the other co-sponsors, the Los Angeles County Bar Association and the Ford Foundation, they agreed to a ban on writing or quoting anything about their Conference on the Media and the Law held in Los Angeles on September 23. A major topic discussed at the conference: the public's right to know.

# LOVE LETTERS TO A CAR COMPANY?

You'd probably never dream of writing a love letter to the company that built your car. Yet at Volvo, we get them all the time.

Maybe because 9 out of 10 people who buy new Volvos are happy.

But some people who own Volvos aren't merely happy. They're absolutely ecstatic.

People like Orv Jacobson of Ocean Shores, Washington: "Now that it's at the 200,000 mile mark, I figure it has another 200,000 more miles in it...you just don't trade in members of your family."

Mary Howard of West Trenton, New Jersey: "This is the first time in my life that

I still had a good car after it was paid for."

Or, The Reverend Ernest G. Olsen of Westfield, New Jersey who, after 225,000 trouble-free miles, says simply: "Love that Volvo."

If you can't think of any love stories to write about your present car, maybe your next car should be a Volvo.

After all, why buy a car you might regret? When with a Volvo, you'll probably end up never having to say you're sorry.

**VOLVO**

A car you can believe in.

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LEASING AVAILABLE



August 15, 1978

In five months of constant rough driving I've been very pleased with how tough the Volvo's have been. Our current fleet consists of: 1964 122S Station wagon, 1966 122S automatic station wagon, 1967 122S Sedan and 1976 265 automatic, (DL). All of them seem to be very efficient and pleasing to drive as well as reasonably economical.

We have had previous Volvo's as well including a PV 444, several PV 544's and a 1973 164E. All have been pleased. In this age of engineered and Volvo can compare quality automobiles. I have enclosed our cars.

Dear Mr. Volvo, I am very pleased I am with my 1976 265 Volvo, which I purchased in 1964, for \$2,410. I just turned 16, and my Volvo is the first car I have ever owned. It has traveled 221,191 miles and is as dependable and smooth as ever. Including all expenses such as gas, oil, and maintenance, it continues to get 24-25 mpg.

The motor is the original one with the original oil. I have to add oil between oil changes. I am the pastor of Calilean Chapel, on the Pacific Ocean. My home is one-half mile from the Volvo in the garage, because there is no room for it, except a little bit under the hood.

I've had no expenses, though, in keeping the Volvo on some of my second battery, third only.



Mr. Volvo Division 1955 1st Torrance

Enclosed are some super pictures of our customers in. It's certainly for the strength of our Volvo. I am told truck on top of the Volvo. As a man in the Volvo suffered only minor delivery of a new Volvo from us.

Perhaps this would make good are interested in obtaining more the negatives you can contact the 15032 N. 25th Street, Phoenix, AZ

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***When E.F. Hutton talks, people listen.***

# Eight days in April: the press flattens Carter with the neutron bomb

For a week the country's two major papers  
treated one-sided leaks as front-page news and helped shape  
a major foreign-policy decision

by ROGER MORRIS

*But over the weekend [then Undersecretary of State Chester] Bowles's friends swung into action. On Monday morning, July 17, the Times had a front-page story saying that the President intended to ask for Bowles's resignation that day. Kennedy read that story with a connoisseur's interest on the plane back from the Cape to Washington. "You can tell how that story was written," he said. "You can tell where every paragraph came from. One paragraph is from Bowles or his people. The next paragraph is from someone in State trying to make a case against Bowles." He mused about the situation as he sipped his after-breakfast coffee.*

Arthur Schlesinger, *A Thousand Days*

**S**eventeen years and four presidents later, it all seemed to be happening again to Jimmy Carter. In the spring of 1978, however, those omnipresent Washington sources "swung into action" not on State Department job shuffling but on the more fateful issue of the neutron bomb. This time there was reason to wonder if anyone—editors, members of Congress, or other reporters, much less the public—read the crucial stories with a "connoisseur's interest" and thus with some skepticism in regard to their provenance and content. For what it suggested about the press's command of the complex politics and policies of national security, the episode was too ominous merely to muse about.

During the first week in April, President Carter was reported to have reversed an earlier intention to deploy the controversial neutron bomb, then to be "re-viewing" his position, and finally to have "delayed" a

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decision in a dubious "compromise"—all amid what columnists Robert Novak and Rowland Evans aptly called a "firestorm of [press] criticism" ignited by the first report. "The most politically bungled major weapons project in NATO history" (*The Washington Post*) had "vexed U.S. allies" (*Newsweek*), sown "disorder, disillusionment and incredulity" in Washington (Evans and Novak), and left, depending on the reporter and his metaphor, either "monstrous problems" or "a deep scar" (*The New York Times*). The president's performance, pronounced the outraged German editor of *Die Zeit* writing in an approving *Newsweek*, was "sloppy, confused, haphazard—unexplained and probably inexplicable."

Yet if events in the White House during those early April days seemed a mystery, what had happened in the media was all too clear. Accepting then-current clichés about Jimmy Carter, journalists appeared only too willing to pass on a series of relatively artless bureaucratic and foreign leaks about the neutron-bomb issue. The press largely failed to investigate, analyze, or sometimes even to tell the who, what, where, when, and why of a national-security story with wide implications for defense and foreign policy. Reporters became, instead, the indiscriminating spokesmen for bureaucrats in Washington and Western Europe, whose leaks were designed to enlist public support in a clandestine policy struggle with the president.

When it was over, the coverage—something like the neutron bomb itself—seemed to have obliterated public consciousness while leaving the offending institutions unscathed.

The neutron bomb belongs to a second generation of

nuclear arms that has emerged from the ever more sophisticated and lethal weapons technology of the last decade. Not a "bomb" in the strict sense, it is a small warhead designed to produce significantly more radiation and less explosive blast than conventional nuclear charges, and to fit the same short-range Lance missiles and howitzers now armed by the 7,000 older U.S. tactical nuclear warheads in NATO. Because it might kill troops on a battlefield without necessarily destroying or contaminating surrounding areas, it was supposed to be a politically acceptable and strategically credible deterrent in populous Central Europe—an official assumption that proved ironic when the weapon came to be seen as a political liability by the White House. But in the early, secret military planning, Pentagon, State Department, and NATO officials all ardently championed the neutron device as a ready response to Soviet superiority in heavily armored tanks. And that same ardor would be evident when officials decided in the spring of 1978 to leak stories about how vital the warhead had become for Western security and how disastrous would be its rejection by President Carter.

During the early seventies, both the Nixon and Ford administrations had requested and routinely and quietly received congressional appropriations to develop the weapon. Money to begin production was a similarly unheralded item in the Pentagon budget request by the new Carter administration in June 1977. As that budget went to Capitol Hill, however, *The Washington Post* reported the planning "in great secrecy" of "killer warheads." Drawn from careful culling of budget and congressional documents, the *Post* story, written by Walter Pincus, was enterprising and uncommon journalism in national-security affairs and it helped set off world-wide debate about adoption of the neutron bomb.

In the controversy that followed, which included a major Soviet propaganda drive and non-Communist protests in Western Europe, President Carter was visibly reluctant to embrace the weapon. Though later in the summer of 1977 Carter actively sought, and got, a congressional appropriation to build the warheads, he also obviously deferred any announcement on production until the political furor subsided in Europe, particularly in West Germany, where the weapons would be based. Throughout the winter of 1977-78, the NATO allies and career bureaucrats from Washington fenced diplomatically on the subject, the Europeans arguing that U.S. production of the warheads should precede the controversial business of their actual deployment, the Americans ostensibly instructed by the White House to secure firm and public European acceptance prior to any presidential order to produce. At the same time, these middle-level officials from NATO and their counterparts in the Pentagon and the State Department seem to have believed—or at least wanted to believe—that sooner or later Jimmy Carter would go along with the new weapon. Meanwhile, Carter's popularity fell steadily, and his foreign-policy leader-

ship—from stalled SALT talks to equivocations on human rights to heated controversy on the Panama Canal treaty—came under mounting criticism in Congress and the media.

It was against this general background that, last spring, Pentagon and State Department officials began leaking stories about the neutron-bomb issue. The press accounts derived from these leaks ultimately shaped (and perhaps forced) critical policy decisions in Washington and Europe.

Two reporters and their papers played the main role in the coverage. Richard Burt, who had joined the Washington bureau of *The New York Times* in 1977, came from an academic career at the prestigious Institute for Strategic Studies in London, where he worked on political-military affairs and knew personally the extremely narrow circle of men in the field who were or who became senior officials for weapons policy in the Carter administration. Burt's October 11, 1977, *Times* story disclosing the precise details of the U.S.-Soviet SALT negotiations comprised one of the most thorough and celebrated leaks on the subject in recent years (see "SALT talks: Leaking Toward Armageddon?", by Robert G. Kaiser, in the February 1978 *More* magazine). Similarly influential and well-connected, Walter Pincus wrote for *The Washington Post* from a background of newspaper reporting interspersed by experience as a political and military investigator for the Senate Foreign Relations Committee and as an editor at *The New Republic*. For better, and for worse, most of what the rest of the American media told the public about the neutron-bomb tempest would be limited to rehash, reprint, or partial summary of what these two men reported.

In the months after the first flurry of publicity in mid-1977, the neutron bomb all but disappeared from the news. Occasional articles in the *Times*, the *Post*, and the news magazines, as well as a few wire-service stories, recalled in passing that policy lay unresolved in NATO, but added little more. In 1977 (and again with the leaks of 1978), the issue swept into and out of the public ken like some freak seasonal storm, with little reporting regarding its origin or future course.

Then, on Saturday, April 1, 1978, it was there again in some prominence on page 5 of the *Times*. From Brussels, Flora Lewis reported allied "uneasiness and bewilderment" over "wavering and dissension" in Washington, a reaction to "sudden cancellation" of a late March NATO meeting "that had been scheduled to pave the way for an American announcement" on production of the neutron bomb. Lewis's dispatch was authoritatively based, she wrote, on "talks with a representative number of senior alliance officials," who "as usual did not want to be identified." While Lewis added that such "NATO diplomats tend to put more emphasis on the military balance than do some politicians in the national capitals," her story quoted no other officials or views.





In an accompanying "News Analysis," Burt reported a "last-minute" and "temporary" Carter "deferral" of a "formula" and stressed that "regardless of when the White House makes up its mind," the controversy had left "a deep scar in alliance relations." Quoting anonymous U.S. officials as saying that the neutron-bomb policy "has been as badly handled as any question in recent history" and that the U.S. position was "a huge mistake," Burt's article, like Lewis's, centered on the troublesome "doubts" about Carter, with no conflicting sources or perspectives cited. There was no detailed analysis of alternative policies or of the weapon itself; apart from the cancelled NATO meeting, the main "news" for the *Times*, apparently, was the existence of internal discontent on the issue in Washington and NATO.

On April 3, Burt wrote a page-one article on a recurrent but obscure State Department-Pentagon dispute over a proposed international ban on production of nuclear materials, but he returned to the neutron bomb with another front-page story on April 4. "Against the advice of most of his top foreign policy advisors," Burt reported, Carter had decided against producing the bomb. Taken again from unnamed "administration officials," the story saw only a slim possibility that the president would "go back" on his decision, which "appears likely to draw heavy criticism" from Congress and in Western Europe. Burt reported that there had indeed been an internal NATO "compromise" formula that called for U.S. production, with final deployment conditioned on Soviet arms-control concessions—a proposal supported by Secretary of State Cyrus Vance, Secretary of Defense Harold Brown, and National Security Advisor Zbigniew Brzezinski, as well as by European officials. But Carter had gone his own way, basing his decision not to produce the warhead on "deeply held convictions," on "doubts" that the NATO allies would deploy the new warheads even if the Russians did offer to make arms-control conces-

sions, and on the views of "political advisors in the White House" and of the controversial U.N. Ambassador, Andrew Young—none of which the *Times* explained further. (A brief unsigned sidebar with the jump of Burt's article helpfully explained that "civilians a mile away from the target would be safe, according to supporters of the weapon"; that critics had charged the bomb was "inhumane" because "victims probably would die slowly and painfully"; and that its backers believed the use of a neutron warhead "would not necessarily lead to a nuclear catastrophe.")

Expert leakers and their quotable laments, dismayed allied officials and their earnest diplomacy, White House amateurs and their insubstantial reasoning—all the protagonists of the classic combat-by-leakage were transparent in Burt's April 3 article, or at least ought to have been to practiced editorial eyes. But, fixed on the surface reality of the intramural clash, and on the hackneyed theme of presidential incompetence and indecisiveness, the story begged most of the important questions. What history had brought the issue to this juncture? What role had the Pentagon and State Department bureaucracies played? Had the president and his "top advisors" been conducting two separate policies? Was there reason for President Carter to "doubt" that the NATO allies would actually deploy the weapon? What was the place of the neutron warhead in the larger arms-control negotiations with the Russians? Were White House political advisors shaping national-security policy for domestic political reasons—and, if so, how and why? Apparently, Burt and his editors were content to leave unanswered all these questions and others. It seems to have been enough for the *Times*'s front page that there was simply another high-level falling out in the already beleaguered Carter administration.

On Wednesday, April 5, Burt was once more on the *Times*'s front page, now with a story that Carter was "reviewing" his decision amid "growing controver-

sy" after Monday's *Times* report. The president was under a "variety of pressures" to change his decision and "several top State Department and Pentagon officials" were reported to be arguing with Carter in favor of the bomb. Again, Burt's account emphasized the disarray in Washington and NATO, but, once more, the reported presidential doubts about European intentions to deploy the weapon, presumably the heart of the crisis, were mentioned only perfunctorily in the closing paragraphs of the piece.

On the 5th too, *The Washington Post* joined the story with a front-page account, written by Pincus, of official "unhappiness" over Carter's "ambivalent" position. The Pincus report constituted an unusual *Washington Post* adaptation of a story initially broken by the *Times*, unusual because both papers are normally loathe to pursue their rival's exclusives. (Though the *Post* had broken the first story about the existence of the weapon, the controversial presidential position on its final production had been a *Times* exclusive.) But the story was largely attributed to similar anonymous sources—Pincus termed them "officials involved with the neutron decision"—and it followed the trail of leaks to much the same conclusion as the *Times* had reached.

Pincus revealed that when, over the winter, the West German government had hesitated to state publicly its approval of deployment, Carter had told the West Germans he was not going to produce. That had forced an open endorsement of the weapon by Bonn, though this had probably come "too late." In any case, Pincus added without further elaboration at the end of the dispatch, officials "tried to develop a plan to get Carter to reverse his latest position" and "disclosure by the *New York Times* . . . may have accomplished that."

**A**longside Burt and Pincus, both papers also carried prominent stories from Bonn on allied "confusion and concern" (John Vinocur in the April 5 *Times*) and "confusion and bewilderment" (Michael Getler in the April 6 *Post*). Moreover, the *Times* carried an April 5 front-page "News Analysis" by Bernard Gwertzman, who took his lead from what a "top aide" called "the monstrous problems" raised by the president's decision—problems compounded by "an article in the *New York Times*." Gwertzman reported "questions about Mr. Carter's consistency and loyalty to the Alliance," and quoted "one high-ranking official" as saying that after this White House decision on the neutron warhead, "the Soviet in charge of propaganda will probably get a nice dacha for a present." And on page 3, in the fourth major *Times* article on the subject that day, the paper's venerable military correspondent, Drew Middleton, wrote from a dateline of "Langley Air Force Base, Va." on the "shock waves of dismay and anxiety" sent through the "military establishment" by Carter's decision. Rehearsing the Pentagon position with little pre-

## A plethora of leakers, a paucity of names

	unattributed sources	attributed sources
April 1	<b>The New York Times:</b> "a representative number of senior Alliance officials" "several key officials" "White House officials" "one State Department official involved in discussions of the neutron bomb" "some officials"	
April 4	<b>The New York Times:</b> "Administration officials" "top Administration officials" "some officials" "defense officials" "other officials"	
April 5	<b>The New York Times:</b> "several administration officials" "Administration aides" "a high State Department official" "Administration spokesmen" "several top State Department and Pentagon officials" "officials throughout the government" "Administration specialists on Europe" "one high-ranking official" "one highly qualified source" <b>The Washington Post:</b> "one White House aide" "officials directly involved with the neutron decision" "one administration official"	"Secretary of State Cyrus Vance"
April 6	<b>The New York Times:</b> "White House officials" "a prominent West German" "a Senate aide" "a White House official" "a highly placed West German" "the informant" "another official" <b>The Washington Post:</b> "one source" "informed sources" "one administration source"	"Senator Charles H. Percy" "West German government spokesman Klaus Boelling"
April 7	<b>The New York Times:</b> "Administration officials" "a high-ranking Administration official" "one Senator who declined to be identified" <b>The Washington Post:</b> "sources" "one administration official" "another Carter aide"	"President Carter"
April 8	<b>The New York Times:</b> "White House officials" "Administration officials" "Defense Department officials" "European leaders" "an Administration insider" "a high-ranking Administration official" <b>The Washington Post:</b> "one administration official" "administration sources"	"President Carter" "Senator Sam Nunn"

tense of balanced reporting, Middleton concluded that the president's neutron-bomb policy had only "increased the misgivings among senior officers of all services about the Administration's defense posture."

By noon on April 5, then, both the *Times* and *Post* had played their leaks as the major Washington story of the moment, chided the president on Pentagon and allied authority without analysis of any policy position, variously given the *Times* credit for the crisis and for the resulting presidential "review," and were awaiting further developments.

That day *The Washington Post* had had the opportunity to give the story an entirely new, more balanced and realistic, perspective. Had Pincus dug at the many questions left buried by Burt's April 3 article, had he or his colleagues worked through the White House position and the motives and roles of the leakers, both foreign and domestic, the coverage might have taken a very different turn—among other things, distinguishing the *Post* from its great competitor in New York. But caution and imitation had prevailed over originality and competition, and, not least, there had been the heavy inertial force of relying on familiar, cooperative, and impressively "high-level" sources.

On April 6, Burt and Pincus wrote front-page stories on the mounting congressional opposition to Carter's reported position. Only three weeks earlier, wrote Pincus, a go-ahead on the bomb had "seemed inevitable"—though to whom it had seemed so he did not say. Deep in these stories, both reporters indicated for the first time specifically that Carter's chief aide, Hamilton Jordan, had advised against production of the warhead, but neither went further on the substance of Jordan's role. Another *Times* dispatch that day from Vinocur in Bonn quoted German sources as saying that Carter's principal national-security advisors were "shocked" by the decision, and that the same "shocked reaction" in allied countries had "apparently led President Carter to reconsider . . ."

It was also on April 6 that both the *Times* and the *Post* ran lead editorials to oppose the supposed Carter decision, albeit now reported on the same authority to be under "review." "Few episodes . . . have been more disturbing," scolded the *Times*, deploring Carter's having "retreated so precipitously," and deploring as well the "lurid talk" about the bomb, the loss of "a good bargaining chip," a weakening of NATO, the appearance of giving way "to pressure from Moscow," and the assumed fact that the Germans would be "made to look foolish." Following similar arguments less stridently, the *Post* editorial concluded that Carter had "forfeited" the "luxury" of a "detached, clinical kind of choice" on producing a neutron bomb.

On Friday, April 7, less than a week after Burt's first story, Pincus and Burt again reported in similar stories that Carter would "defer" a decision on production, making future action conditional on unspecified responses by the Soviets. While "development work" would continue, however, both stories stressed that

the deferral left eventual production in doubt. Burt's account cited officials who complained that the latest "compromise" decision would "differ little" from abandoning the bomb outright. Pincus again pointed to criticism "at home and abroad over the manner in which the president had reached the decision" against production.

The sole exception to such reporting was James Reston's column "Why Carter Hesitates" in the April 7 *Times*. The Reston piece raised elements of the story that had been skimmed over, if treated at all, in the week's news accounts and editorials: the effect of the weapon on the larger arms race, the earlier ambivalence in West Germany, the technological and production timetable of the warheads which made the decision "maybe . . . not quite as urgent as it seems," and the role of "political maneuvers" in U.S.-Soviet relations.

Such reflection was swiftly overshadowed, however, by the ongoing story, with its embedded theme of presidential bungling. On April 8, Burt and Pincus reported on two events they had predicted the day before: Carter's formal announcement to defer decision, and the consequent dissatisfaction among Congress and allies. From Copenhagen, Flora Lewis cabled the *Times* about the "tart and scathing" European reaction. In a "News Analysis," *Times* Washington bureau chief Hedrick Smith did broach aspects of the story unexplored by Burt—that, in the weeks before, unnamed "officials" had been moving "along a track Mr. Carter had not approved and was shocked to discover," and that all the presidential "fits and starts had a tactical purpose" in drawing public support for the weapon from the otherwise reluctant West Germans. But, as with Reston, Smith's article glimpsed inner bureaucratic and alliance politics only fleetingly, and was never followed up. Who were these American officials who had apparently carried on their own foreign policy on such a critical matter? Were Carter's senior advisors even aware of such insubordination—and, if so, what did they do about it? What were the implications of such a government, and what questions did it raise about the interplay of bureaucracy and expertise vis-a-vis elected political leadership?

On Sunday, April 9, Burt wrote a long summary of the story, though the issue had apparently already begun to fade. Having occupied the *Times*'s front page for the better part of a week, Burt was now consigned to page 18. The tone and substance of his piece were consistently negative toward Carter. The president's "handling of the issue," Burt concluded with a quote from a "high-ranking" official, had done "tremendous damage."

A few days later, *Newsweek* published a sharply critical account of the episode, concluding that it had left a "crisis of confidence." In a column written at the same time, Evans and Novak lamented Carter's "emotional quest" for a nuclear-free world, saw a



"chaotic" decision-making in which "blame attaches directly to the president, not to his aides," and pronounced that Carter had been dissuaded from final folly only by the "firestorm of criticism" in the *Times*, the *Post*, and other papers. With that appraisal, and a scattering of somber reports on the unlikely prospects for concessions from the Soviets to match Carter's deferral of neutron-warhead production, the subject departed from the news as swiftly as it had arrived with Burt's first story.

The neutron-bomb story, as perceived by Burt and Pincus, other senior reporters and editors, and Evans and Novak, had been largely the superficial one involving dissident bureaucrats clashing with a supposedly bumbling president. Had the clash been perceived from a slightly different vantage point, how different the *Times* and *Post* coverage might have been, how different the post-mortems, and, perhaps, even the final presidential decision to preserve the option of producing the bomb—a decision the press claimed to have influenced so decisively. There were elements of another story, a story of Carter striving to discipline an autonomous and insubordinate bureaucracy, of Carter standing up to the Germans and insisting that they take their fair share of responsibility for mutual defense policies, of the president skilfully manipulating opponents at home and abroad—elements all as plausible as any interpretation given by Burt or Pincus or their papers' editorial writers. But no contrasting perceptions emerged. In a subject shrouded by bureaucratic politics, Carter's handling of the neutron-bomb issue was uniformly reported, and editorially tried and sentenced, largely on unexamined assumptions taken directly from the original leak and leaker(s).

But then the distortions of bureaucracy and political maneuver were never limited to the U.S. government or its NATO allies. By surrendering initiative and interpretation to their sources, the *Times* and the *Post* from the outset became themselves central participants in the manipulative politics of the episode, their prestige increasingly invested in the thrust of the original stories. Just as it was, perhaps, too easy to rely on the initial sources, it was also, no doubt, difficult to rethink, or risk revising, a story that kept its author on the front page for several days. In one week, coverage of neutron-bomb policy repeatedly exhibited the two major institutional weaknesses of American diplomatic journalism: its shallowness and conformity.

Worst of all was the neglect of the substance of the issue. The leakers had leaked, as always, not to inform the public, but only as a last-resort attempt to redress the secret decision-making process that had gone against them. By definition, such leaks portrayed the issue in a simplistic, one-sided manner, and in this case the media coverage never reached out for those parts of the story that had been deliberately omitted by the obliging sources. What were the drawbacks as well as advantages of the neutron warhead? What were its

cost and effectiveness? Was it more or less destructive than other such weapons, or merely, as Carter had said earlier at Yazoo, Mississippi, one more horror in the nuclear arsenal? (Only three months after the April press furor, the *Los Angeles Times* and *The Washington Post* would report from London that scientists had found that the "deadliest" conventional weapons "are now more powerful than the smaller nuclear weapons," a development that had "made obsolete a key argument over whether or not to deploy the neutron bomb." But in July, as in April, there was no reporting to connect such realities to the debate in Washington.) What presumptions and strategies underlay the adoption of the weapon? If it had a "bargaining-chip" value in SALT, as the *Times* and the *Post* argued, what was its price in Russian concessions? And if the incident had left its "deep scar" or inflicted "terrible damage" on NATO, why had the subject disappeared so completely from the corridors of the NATO ministerial meeting in late May in Washington, where both officials and the attending press were absorbed in a new vogue, the atrocities in Zaire and Soviet mischief in Africa? No follow-up stories or editorials tested the harsh predictions made by Burt and others as part of the "news" in April. All these questions and more were continually ignored in a journalism that found far more titillation in bureaucratic backbiting and the cliché of Jimmy Carter's incompetence.

**C**arter no doubt invited a portion of such editorial comeuppance by the piety and pretense of his early rhetoric on world affairs and a transparent lack of sophistication about the government he inherited. Moreover, those who covered the neutron-bomb issue at all, even so shallowly, deserve relative credit. Most newspaper, magazine, and television reports fecklessly followed the cues of Burt and Pincus, compounding the tendentious coverage flowing from the first leaks. Had other journalists at least read the *Times* and *Post* accounts for their telltale pathology, some of the largely hidden story might have been explored.

What is so disturbing in the end is that reporters like Burt and Pincus—and the editors who handled their pieces—are among the best in their field, and their failures seem likely to haunt us long into the future. As SALT talks inch toward a new treaty, as the neutron warheads wait in Pentagon plans for another "crisis" of decision, as strategic policy becomes simultaneously more complex and more volatile and exploitable in domestic politics, the inability of the press to take the measure of bureaucratic forces, of the political influences, of the technical issues (and of its own envelopment by the politics it is supposed to report), will impair public understanding and democratic debate.

If national security is too serious a business to leave to the generals, it is certainly too important to leave to the sort of journalism evident in Washington last April.

# Reporting Proposition 13: business as usual

Daily newspapers in Los Angeles County, heart of the tax revolt,  
offered voters hit-or-miss coverage

by MICHAEL EMERY and SUZANNE STEINER EMERY

**T**he emergence of California's Proposition 13 as an economic and social issue with national consequences provided that state's newspaper editors with an unusual opportunity to demonstrate the proclaimed superiority of their medium: explaining complexities and countering distortions. But a detailed study of the seventeen daily newspapers in Los Angeles County, the state's most populous area and the heart of the tax revolt, shows that few papers departed from routine news-gathering patterns or tried to provide coverage in depth.

For months before the June 6, 1978, vote, politicians, bureaucrats, tax wizards, and economists had flung statistics back and forth, with one side saying that the passage of "13" would mean the end of the Republic and another heralding the coming Era of Responsibility. Thus the press had not only an excellent chance to record the debate, hysterical and otherwise, but to analyze the proposal and predict its possible effects.

Our study involved an examination of the entire news and opinion sections of the seventeen newspapers between May 25 and June 6, a period of almost two weeks. (Significant stories related to Proposition 13 in other sections were included as well.) The newspapers ranged in size from the *Los Angeles Times*, with a daily circulation of more than a million, to the *Antelope Valley Ledger-Gazette* of Lancaster, with less than 10,000. Among them, the seventeen turned out 464 stories directly related to Proposition 13 and its rival, Proposition 8, in the campaign's final two weeks.

At the beginning of the study period, May 25, the situation was roughly as follows: Howard Jarvis, who founded the United Organization of Taxpayers in 1964 after a fight over property taxes in Alhambra (Los Angeles County), and Paul Gann, a retired real-estate agent and founder of the "People's Advocate" organization, using the state's progressive initiative process, had rounded up a million and a quarter signatures for Proposition 13 to place it on the ballot, in this form:

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**13 TAX LIMITATION—INITIATIVE CONSTITUTIONAL AMENDMENT.** Limits realty tax to 1%; increases to 2%. Imposes 2/3 voting requirement on new taxes. Financial impact: Commencing with fiscal year beginning July 1, 1978, would result in annual losses of local government property tax revenues (approximately \$7 billion in 1978-79 fiscal year), reduction in annual state costs (approximately \$600 million in 1978-79 fiscal year), and restriction on future ability of local governments to finance capital construction by sale of general obligation bonds.

It had been decided that the estimated market value of a property as of March 1, 1975, would be the base figure; tax would be limited to 1 percent of that figure with an increase of no more than 2 percent in the tax amount each year. (Actually an additional 1/4 percent was allowed to cover bonded indebtedness. Thus the tax on a home with a market value of \$100,000 would be figured by subtracting the \$7,000 homeowners deduction and multiplying by 1 1/4 percent. Answer: \$1,162.50.) If a home was bought or remodeled after the 1975 date, a reassessment would be necessary; in any case, the tax was estimated to be 50 to 60 percent lower than it would have been pre-Jarvis.

A hastily contrived legislative substitute, Proposition 8, also appeared, as follows:

**8 OWNER OCCUPIED DWELLINGS—TAX RATE—LEGISLATIVE CONSTITUTIONAL AMENDMENT.** Legislature may provide for lower tax rate on owner occupied dwellings. Financial impact: Depends on legislative action. Could result in reduction in local revenues.

Its passage would have triggered Senate Bill 1, which promised a 30 percent cutback in property taxes for homeowners but, unlike Proposition 13, excluded businesses; in addition it would have set up distribution of state surpluses back to home districts. This provision came after the governor's announcement in January that the state might expect a 1977-1978 surplus of \$3.25 billion. On May 25, the state finance director reported that the figure would be \$3.4 billion and that \$1.4 billion more might be held out for redistribution under the provisions of Proposition 8.

A Field Poll conducted from May 1 to 8 showed that Proposition 13 had the approval of 42 percent of those interviewed, while 39 percent were opposed. About this time, the Los Angeles County assessor, under pressure from some pro-13 county supervisors, mailed out the new tax bills, which were not actually due until

# Sidney, Cicely Present Top Award

## Sammy Davis Walks Out on Show

Los Angeles Sentinel  
LARGEST BLACK-OWNED NEWSPAPER IN THE WEST  
Sentinel Ballot Endorsements  
—See Page 2

### Holden Leads Polls

Los Angeles Sentinel  
LARGEST BLACK-OWNED NEWSPAPER IN THE WEST  
Sentinel Ballot Endorsements  
—See Page 2

### Matlock Guilty of Murdering Four

Los Angeles Sentinel  
LARGEST BLACK-OWNED NEWSPAPER IN THE WEST  
Sentinel Ballot Endorsements  
—See Page 2

### Fight Looms for Watson Seat

Los Angeles Sentinel  
LARGEST BLACK-OWNED NEWSPAPER IN THE WEST  
Sentinel Ballot Endorsements  
—See Page 2

### PREDICEN EFECTOS DE LA PROPOSICION 13 EN LAS MINORIAS

Los Angeles Sentinel  
LARGEST BLACK-OWNED NEWSPAPER IN THE WEST  
Sentinel Ballot Endorsements  
—See Page 2

### Entendimiento entre México y EU

#### Acusan a 6 de asesinar a Moro

Los Angeles Sentinel  
LARGEST BLACK-OWNED NEWSPAPER IN THE WEST  
Sentinel Ballot Endorsements  
—See Page 2

### Steel hike hinted by U.S. firms

Los Angeles Sentinel  
LARGEST BLACK-OWNED NEWSPAPER IN THE WEST  
Sentinel Ballot Endorsements  
—See Page 2

### Surprise move

#### SM council votes 4-3 to back Prop. 13

Los Angeles Sentinel  
LARGEST BLACK-OWNED NEWSPAPER IN THE WEST  
Sentinel Ballot Endorsements  
—See Page 2

### Prop. 13 gains support

Los Angeles Sentinel  
LARGEST BLACK-OWNED NEWSPAPER IN THE WEST  
Sentinel Ballot Endorsements  
—See Page 2

### EUGENE VOTERS REPEAL GAY RIGHTS ORDINANCE

Los Angeles Sentinel  
LARGEST BLACK-OWNED NEWSPAPER IN THE WEST  
Sentinel Ballot Endorsements  
—See Page 2

### Brown sees 'must' cuts in Prop. 13 OK

Los Angeles Sentinel  
LARGEST BLACK-OWNED NEWSPAPER IN THE WEST  
Sentinel Ballot Endorsements  
—See Page 2

### RUSS TERRORIST IN BLACK EXILED

Los Angeles Sentinel  
LARGEST BLACK-OWNED NEWSPAPER IN THE WEST  
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—See Page 2

July. Then the supervisors—under heavy public pressure—voted to request the assessor to halt the assessments, which he did. This was generally viewed as a manipulative trick and the next Field Poll, taken in the final week of May, showed Proposition 13 up to 57 percent approval and climbing.

This rising public approbation stood in contrast to the major papers around the state. A survey of twenty of the largest showed that the majority sentiment was that Proposition 13 was "poorly constructed," "a delusion and a trap," "simplistic," "an emotional outburst," "sophistry," and an "unvarnished piece of demagoguery." But even many of these papers, as well as those supporting the proposition, agreed that it served a useful purpose in forcing government to shape up. By contrast, a majority of county newspapers with announced positions favored 13 (see chart).

Given this rich situation to mine, how well did the newspapers of Los Angeles County respond? The question: would city and county governmental units, school districts, and special districts, with their varying dependence on property-tax revenues, cut services or find alternative funding,—say, from the state budget surplus? Here are our major findings:

□ Despite the possibility of severe impact in many of their communities, newspapers generated few "enterprise stories" or articles explaining possible effects of either Proposition 13 or Proposition 8. In fact, among seventeen papers there were only nineteen pieces (4 percent of the total) that could be considered as written in depth and only 24 percent of the total encompassed local consequences specifically.

□ While much of the public's anger and confusion centered on the news of the budget surplus, little attention was paid to its significance and, with two exceptions, there was no follow-up after the official announcement on May 25. One exception was the *Los Angeles Times*, which a week later followed the story with a long interview with the official concerned. The other was the *Long Beach Independent Press-Telegram*, which ran in its next Sunday edition an account headlined MYSTERY SURPLUS—CAL. COULD HAVE \$5 BILLION IN '79—NO ONE KNOWS WHY. The story went deeply into the 1971-1978 rise in withholding deductions, corporate taxes, and sales-tax revenues. Arguments raged after the election as to the actual size of the surplus available for redistribution. But it topped \$5 billion and some said approached \$6 billion.

□ Scant attention was paid to the most likely victims of such potential consequences of Proposition 13 as wage freezes, "fees" for such public services as trash pickup, the closing of clinics, and other deprivations. In particular, the papers neglected the possible impact on low-income, non-white populations. In Los Angeles, about 60 percent of the schoolchildren are non-white. Only the Long Beach paper, which had six items touching on this issue, had more than one or two such stories. In all the papers, there was but one story directly reflecting minority opinion; that was an As-



# THE LOS ANGELES COUNTY PRESS AND PROP. 13

Newspaper	Circulation (000)	Editorial Stand		Vote for 13 in circulation area
		Prop. 13	Prop. 8	
Los Angeles Times	1009	No	Yes	64% (city only)
Herald-Examiner	347	Yes	*	64%
Long Beach Indep't Press-Telegram	145	No	Yes	68%
Valley News	100	Yes	Yes	74-83%
South Bay Breeze	76	Yes	*	80%
San Gabriel Valley Daily Tribune	70	*	*	69%
Pasadena Star-News	56	*	*	63%
Pomona Progress- Bulletin	40	Yes	*	61%
Santa Monica Outlook	34	Yes	No	59%
La Opinion	24	*	Yes	55%
Whittier Daily News	22	Yes	No	72%
Glendale News-Press	20	*	Yes	77%
Huntington Park Daily Signal	16	Yes	*	72%
San Pedro News-Pilot	14	*	No	66%
Southeast News & Downey Champion	12	Yes	*	72%
Burbank Daily Review	11	*	Yes	79%
Antelope Valley Daily Ledger-Gazette	9	*	*	63%

\*No position.

**Totals:** Proposition 13: 8 Yes, 2 No, 7 No position; Proposition 8: 6 Yes, 3 No, 8 No position.

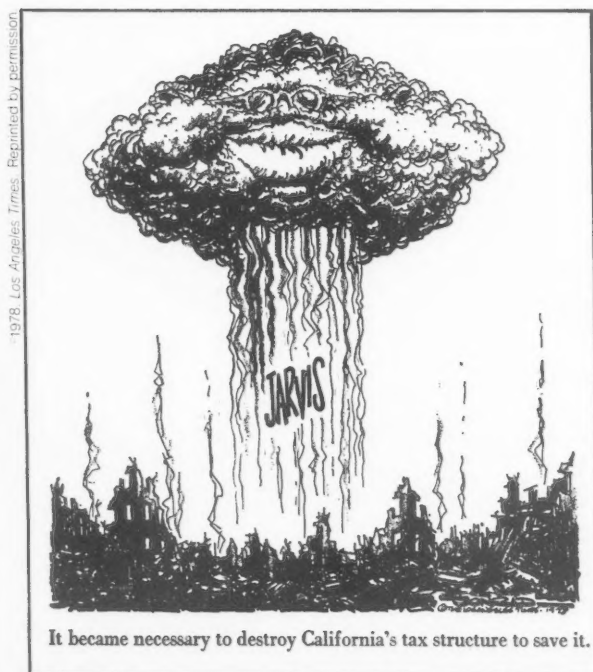
sociated Press feature in the *San Gabriel Valley Daily Tribune* under the headline **BLACKS FEEL JARVIS-GANN NOT FOR THEM**. The minority perspective could be gained only by reading the county's black newspapers, such as the *Wave* papers, the *Sentinel* and the *Herald-Dispatch*; among these, the *Herald-Dispatch* had the most comprehensive coverage. The daily paper serving the Mexican-American community, the fifty-two-year-old *La Opinión*, put together nine local-impact stories, but failed to emphasize specific ramifications that might affect Chicanos.

□ While "Jarvis"—the headline code word for the tax initiative—was prominent in the news, few papers deviated from their practice of simply cramming page after page with miscellaneous hard-news wire copy, often skipping available interpretive items, and indeed showing that few had a firm grasp of their supposed agenda-setting function. For example, the A.P. reported that thirteen of the state's largest companies would get a \$431.4 million tax break if Proposition 13 passed, and, further, that utility rates would probably not be reduced. This story was used by the little *Antelope Valley Ledger-Gazette* on its back page, but it was ignored by the five other dailies using the A.P. (However, the Long Beach paper used a parallel story out of San Francisco.) A check of the seven papers using United Press International and four others using both services revealed no trace of the story. By contrast, the most widely used wire story was a rather gentle A.P. profile of Jarvis.

□ Proposition 8, the belated legislative substitute for Proposition 13, got the short end of news play. It was mentioned by number in 24 percent of the stories but was discussed in less than half of these. In fact, Jarvis, its opponent, emerged as the chief interpreter of Proposition 8 as well as the leading spokesman for 13. Governor Jerry Brown, who was cited in nearly every story from the state capital, was the only other figure quoted frequently.

□ The casual treatment of statistics was disturbing. When financial experts were cited, their estimates of, say, job layoffs were taken as fact. The estimates of the county's chief administrator, Harry Hufford, were passed on as if engraved on stone tablets; after the election Hufford's figures had to be revised. Similarly, Los Angeles Mayor Tom Bradley used figures from his chief administrative officer that failed to distinguish between possible and mandated cuts in services.

Ultimately, of course, Proposition 13 won handily—gaining 65 percent of the state vote and 67 percent in the county with approval ranging as high as 83 percent in parts of the newspapers' circulation areas. Coverage of the consequences of Proposition 13 presented the newspapers with a whole new set of problems, but it is clear from their coverage during the weeks before the vote that even in a matter of great local urgency, most settled for what the 1973 study, *The New England Daily Newspaper Survey*, called "bulletin-board journalism."



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# Covering the third world

Harassment  
of foreign  
correspondents,  
which makes news  
when it happens  
in Russia, is a  
common occurrence  
in the third world

by STANLEY MEISLER

**F**or many Americans, the image of the foreign correspondent was fixed by Ernest Hemingway. Away from his typewriter most of the time, Jake Barnes drinks hard at a sidewalk cafe in Paris and then heads down for the bulls in Pamplona. For others, Eric Sevareid serves as the model. Their correspondent is debonair, articulate, exchanging *bons mots* in some Romance language with ambassadors at cocktail parties, while calculating the value of eurodollars and the needs of the Netherlands in his head. In both cases, the correspondent is a man of Western Europe. But both models are obsolete.

Modern foreign correspondents cover the third world at least as much as Western Europe. At last count, the Associated Press, *The New York Times*, *The Washington Post*, and the *Los Angeles Times* assigned more of their full-time correspondents to the third world than to Western Europe. *Time* had the same number covering each area. News-

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week, which, like *Time*, publishes a European edition, kept two more correspondents in Western Europe than in the third world. These present assignments, however, do not tell the full story. New foreign correspondents usually start their careers in the third world before heading elsewhere. As a result, there is hardly a correspondent in Western Europe who has not previously served in the third world.

The third world creates problems for foreign correspondents never described by Hemingway and little understood by most American readers. Their greatest difficulty comes from working in societies that have no understanding of the needs and demands of an unrestricted press. The national press in these countries never offends the government. As third-world leaders like to say, their press is enlisted in the battle for development. Rather than stand on the sidelines and snipe at government policies, editors and reporters help carry them out. At the University of Nairobi School of Journalism several years ago, a student, in an accusing tone, asked me why American journalists persisted in writing stories about the United States that hurt the value of the dollar abroad. The conditioning and thinking behind that question would never propel a student toward a Watergate investigation or a Pentagon Papers case after graduation.

In the early 1960s, when American correspondents first came to the third world, the officials often tried to hide their frustration and fury so as not to offend the powerful and generous nation that these journalists represented. But the third world has gotten over that; nowadays, ministries of information frequently react to stories they find displeasing by admonishing, expelling, or jailing correspondents.

This kind of trouble is so widespread that it is hardly noticed.

Third-world governments are not held to the same standards as other governments. Both President Carter and the U.S. Senate denounced the Soviet Union in June 1977 when the Russians ordered the interrogation of *Los Angeles Times* correspondent Robert Toth, accused him of collecting political and military secrets, and threatened to bar him from leaving the country as scheduled. The Soviet Union then relented and released Toth, who returned to a hero's welcome in Los Angeles. An incident like that of Toth would have been regarded as common, minor, perhaps not worth reporting had it occurred in the third world. More recently, the White House and the State Department called Russian correspondents in to check their credentials in an obvious threat of retaliation for the legal harassment of Craig Whitney of *The New York Times* and Harold Piper of the *Baltimore Sun*. Yet President Carter did not speak out, nor did the State Department call in any third-world journalists after Emperor Bokassa of the Central African Empire imprisoned *Washington Post* correspondent Jonathan C. Randal and Associated Press correspondent Michael Goldsmith a year ago.

In March 1973, when I was Africa correspondent for the *Los Angeles Times*, I found myself barred from entry into Nigeria, Ethiopia, Zambia, and South Africa. Inefficiency would probably have allowed me to enter Zaire, Upper Volta, Rwanda, and Burundi, but I would have risked expulsion, at least, when officials discovered I was there. I had a multiple-entry visa into Uganda but was advised by the director of the U.S. Information Service there that the Ugandans considered me "a special problem." He suggested keeping out unless invited personally by General Idi Amin or officials close to him. Since Nicholas Stroth of *The Washington Star* had been

# [or trying to]

murdered by Ugandan soldiers, probably under Amin's orders, in 1971, and Andrew Torchia of the Associated Press had been imprisoned along with five British correspondents in Kampala for several days in 1972, I followed the advice and kept out until an invitation came to an Amin news conference.

But in the third world even personal invitations are no guarantee that all will go well. In 1970, I received a letter from the Zambian Ministry of Information welcoming me to the Third Non-Aligned Nations Summit Conference in Lusaka and a cable promising that accommodation would be arranged upon my arrival. When I arrived, my accommodation had indeed been arranged: police arrested me and took me to the remand prison in Ndola, in the Zambian Copper Belt. I spent one night in a cell with six Africans awaiting trial for manslaughter and armed robbery and then was expelled from Zambia. Some official had taken offense at my advance article on the conference.

I have cited my own example only because I know it best. It is easy to find others. Early in 1977, Pakistani police detained Lewis Simons of *The Washington Post* at Lahore Airport for thirty-two hours after he tried to enter the country. He was then expelled as "a banned person." Both Nigeria and Ethiopia cleared their capitals last year of all American correspondents who had been resident there. In 1976, the Philippines refused to allow Arnold Zeitlin, an A.P. correspondent based in Manila, to return to his office from a trip abroad. Officials said he had been "endangering the security and prestige" of the Philippines. In 1975, Peru decided to expel Edith Lederer of the A.P., giving her a week's notice. When officials learned that she was due to be transferred from Peru by the A.P. in four days anyway,

they expelled her that night. In 1976, the International Press Institute reported that twenty-one governments had denied visas to foreign correspondents or expelled them during the previous year. Of these governments, fifteen were in the third world. The report probably revealed only a part of what was going on. Few foreign correspondents report to the I.P.I. each time their application for a visa is denied or ignored. I never did. It happened too often.

Oddly, censorship is not a major weapon of harassment in the third world and is rarely efficient when imposed. African governments, as a rule, impose censorship only during brief periods of tension, such as a coup or an invasion. The Nigerian government censored all dispatches at the beginning of the Nigerian civil war but then gave up. Correspondents could avoid censorship by saving up dispatches and flying to Ghana or driving to Dahomey to send them.

There are other ways of getting around censors. After a coup in Ghana, a German correspondent handed a dispatch to a military censor who could not read German and then translated it for the censor into English that bore no relation to the original. It is easier for most African governments to expel a few correspondents than to censor everything that is written.

In most cases, the troubles begin after a story is published. Some correspondents practice a kind of self-censorship to avoid them. Discussing coverage of Africa almost a decade ago, Peter Webb of *Newsweek*, then its Nairobi bureau chief, told a meeting of the International Press Institute: "One has to weigh one's words very carefully, and to think of the possible repercussions before committing them to print. . . . Every correspondent has to overcome this problem in his own way. My own rough rule of thumb is that

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**'The third-world news pool would be harmless if the governments set it up simply as a competitor to the Western agencies. But it is obvious that they intend the pool to supplant the Western agencies'**

if the story is sufficiently important, then publish and be damned; but if it's something that is essentially trivial... then perhaps it is better to pass it by." The trouble with Webb's rule of thumb is that it is not always easy to foresee what will or will not annoy a third-world leader.

In 1971, I wrote an article about Upper Volta, an African country that I admired. It is one of the most impoverished lands of the world, but, unlike most other poor places, it is not ruled by a luxury-loving elite. The top officials of Upper Volta ride to work on motor bikes and share crowded and poorly furnished offices. Unfortunately, as I also pointed out in my article, this admirable nation lives in constant danger of being swallowed by its neighbor, the relatively rich Ivory Coast, which is ruled by an elite that lords it over the masses and rides around in Mercedes cars. Upper Volta does not have the resources to monitor the newspapers of the world and, normally, the Voltans would never have read my article. But U.S. Ambassador William E. Schaufele, Jr., felt that the Voltan leaders should know that so admiring an article had appeared in the American press. He asked his aides to translate the article into French and distribute it among top Voltan officials.

Instead of being pleased, President Sangoule Lamizana and other Voltan leaders were infuriated. Editor Boniface Kabore wrote a seven-part series about the article in the mimeographed newspaper of Ouagadougou. In the series, headlined AN EXAMPLE OF BAD FAITH: THE INSINUATIONS OF A CERTAIN AMERICAN JOURNALIST ABOUT UPPER VOLTA, Kabore called me a "scribbler," a "bandit," a "renegade," a "man of little faith," and "that little prophet of doom." He added that I was "intellectually dishonest" and displayed a spirit that condemned me as "immoral and thick-headed." An outsider had no right to bring up the poverty of Upper Volta. "He should know," Kabore wrote, "that the mass of misery that he said he saw is our business alone, just as the American slaughter in Vietnam,

Cambodia, and Laos is the business of America alone."

A few months later, I met Ambassador Schaufele in another African capital. He shook his head. "I told President Lamizana that he was wrong," he said. I did not return to Upper Volta.

At times, third-world governments try blandishment instead of harassment. In Mexico, during the recent administration of President Luis Echeverría, foreign correspondents regularly received a variety of Mexican handicrafts, enormous art books, original lithographs by some of the country's leading artists, and Christmas baskets filled with bottles of whiskey, wine, and champagne. In parts of the Middle East, at least until very recently, a correspondent could find his palm crossed with a Rolex wrist watch or an ivory-handled pistol. Most American news organizations insist that such gifts, if received in the United States, be returned; but in the third world the conscientious correspondent risks alienating his most important sources in the government, for they would regard the return of a gift as an insult.

The gifts foster an atmosphere of cordiality and enmesh the correspondent in a web of obligations, making it awkward to offend. In a sense, the gifts give officials the right to take criticism personally. When stories seem rough, the officials always feel, or at least feign, a sense of betrayal. "But I thought we were friends," a Mexican official once protested to the *Time* correspondent. Sometimes this sentiment is expressed with more humor. I once reported that the Mexican government treated foreign correspondents so well that it had even staged a special showing of *Deep Throat*, banned in Mexico, for them. Shortly thereafter, at a cocktail party, a press officer announced, "We were going to show *The Devil in Miss Jones*, but"—with a nod in my direction—"he's here."

Both the harassment and blandishment come out of the same sensitivity. Officials of the third world do not like what they read about them-

selves in American newspapers. This is understandable. Most third-world countries need foreign investment and aid, and bad publicity can hurt their chances of getting them. Adding to the sensitivity of third-world officials is the feeling, shared by many of them, that the Western world looks down on them. The fact that most American foreign correspondents are white while most people of the third world are non-white compounds the difficulties of reaching across the barriers.

Then, too, the area itself—its culture, its goals—presents problems. Both correspondent and reader can relate to Western Europe fairly easily. The needs and systems and goals are somewhat similar to those of the United States. But a third-world correspondent soon finds that in Asia or Africa or Latin America social change is more important than political events. The third world is a world of poverty, of frustrated striving, of cultural imitation, of the loss of tradition, of incredible change. These are difficult subjects to cover, for they are hard to grasp and hard to make interesting to American readers—and hard to write without somehow offending one's hosts.

It is probably true that a correspondent needs a great deal of time before he can understand the third world. Yet the harassment of governments, together with the frustrations the reporter's family must cope with, conspire to make a stay in the third world shorter than it should be. After a few years of frustration, many correspondents believe that they now deserve Western Europe.

In the last few years, a new danger has emerged. The third world would like to create a news system under which the readers of the industrialized nations would receive only information that third-world governments decide to disseminate. In Colombo in 1976 a summit conference of fifty-eight nonaligned countries agreed to establish a third-world news pool. At present, most third-world countries receive news of each other from Western news agen-

cies, such as the A.P., U.P.I., Reuters, and Agence France-Presse. The third-world news pool, according to its sponsors, would "liberate our information and mass media from the colonial legacy." The argument makes sense. But under the news pool, already operating in a limited way, third-world journalists do not cover other third-world countries. Instead, government news agencies or fearful private agencies exchange what amount to government press releases.

The pool would be harmless enough if the governments set it up simply as a competitor to the Western agencies. No self-respecting newspaper would depend on it. But it is obvious that the third-world governments intend the pool to supplant the Western agencies, either through laws that drive the Western agencies out or through pressure that forces docile third-world newspapers to take the pool exclusively. More would be at stake in this than a deterioration of the quality of third-world newspapers. The economics of news agencies often persuades them to station correspondents in countries whose papers buy the news service. A loss of revenue caused by the government-insured success of the news pool would probably mean a loss of foreign correspondents covering the third world. That would not displease the third world.

The third-world intent has been made clearer at other conferences. At the biennial UNESCO conference in Nairobi in 1976, which endorsed the news pool, the Soviet Union sponsored a resolution proclaiming that "states are responsible for the activities in the international sphere of all mass media under their jurisdiction." This obviously implied that a government had the right to control the activities of foreign correspondents. Intense lobbying by the United States and other Western countries prevented passage of the resolution, but there was a great deal of third-world sentiment for it, and it could pass at this year's UNESCO meeting, which opens in Paris in late October. A UNESCO regional meet-

ing in Costa Rica in 1976, while studying the establishment of a special Latin American news pool, considered a paper by a UNESCO expert that proposed the arrest of foreign correspondents who wrote articles critical of a Latin American government. This drastic proposal was not accepted, but its consideration, and its preparation by a UNESCO expert, show the trend of thinking in the third world.

Nigeria, the largest and most important nation in tropical Africa, already has imposed a news blackout. Throughout the civil war, the leaders of the Nigerian government were incensed at the press coverage. Foreign newspapers continually featured photographs of bloat-bellied, stick-limbed, malnourished Biafran babies. The Nigerians won the war but lost the public-relations battle. At the end of the war, Major General Yakubu Gowon, the Nigerian head of state, addressed a large group of foreign correspondents who had just returned from conquered Biafra with stories of Nigerian soldiers pillaging and raping. "Tell me this," General Gowon said in an outburst of anger. "Have you given us any credit since the war began? You people have to look for things to discredit us. All during the war, you talked about genocide, brutality, dead bodies all over the place, in stories concocted in London, Paris, and Geneva. . . . It is you people who never expected this war to end. We told you it would. But you never believed us. Say what you want. Haven't we had a bad press throughout the war? Please yourselves. Condemn us from A to Z."

In the xenophobia that followed the war, the government of General Gowon—and, subsequently, that of the soldiers who overthrew him—began to control the number of visas issued to visiting foreign correspondents and to harass the correspondents resident in Nigeria. In 1976, the government expelled the Reuters bureau chief, putting him, his wife, and their eight-year-old daughter in a dugout canoe headed for neighboring Benin. The follow-

ing year, the government expelled the resident *New York Times* correspondent. The Associated Press, concluding it was impossible to work in Nigeria, shut down its office. Agence France-Presse now has the only Western correspondent resident in Lagos. Almost no visas have been issued to correspondents. An exception was made only to allow correspondents to enter to cover President Carter's visit there in April—hardly an opportunity for intensive coverage of Nigeria's domestic problems. For American newspapers, Nigeria does not really exist.

In testimony before the Senate Foreign Relations Subcommittee on International Operations in June 1977, Otis Chandler, publisher of the *Los Angeles Times*, listed eleven other third-world countries in which "it is virtually impossible to report anything meaningful on a sustained basis." They are Guinea, the Congo, Mozambique, Angola, Cambodia, Laos, Burma, Iraq, Saudi Arabia, South Yemen, and Cuba.

To an American correspondent overseas, the American reaction to what goes on in the third world can be frustrating. Few Americans appear to care. Of those who do, many seem prejudiced one way or the other. In 1973, for example, I was a guest at a seminar of the African Studies Association at the University of California at Los Angeles. For two hours, three dozen students bitterly criticized my news coverage of Africa. Their main complaint seemed to be that my coverage of African events, including the machinations of General Amin, hurt the black movement in the United States. My reply that I had a duty to report on Africa, not serve as its public-relations agent, fell on deaf ears and closed minds. In their view, it was not General Amin and the murderous Tutsi rulers of Burundi and the Sudan who were hurting the image of Africa; it was me. Third-world governments, of course, share this view.

Implicit in this attitude is the be-

lief that foreign correspondents in the third world are sensationalists who have no sympathy for developing peoples. My own, admittedly biased, view is far different. Most correspondents in the third world, especially those from the United States, have always struck me as serious journalists anxious to understand, reluctant to sneer, sympathetic to their hosts. Nicholas Stroh, who was murdered in Uganda, and Arnold Zeitlin, who was expelled from the Philippines, were former Peace Corps volunteers who asked for third-world assignments because of their commitment to developing peoples. But their sympathy did not matter to their host governments. Third-world countries, like Nigeria now and India under Indira Gandhi, are not looking for a sympathetic analysis of their problems; they are looking for an absence of analysis. They want praise from the press, not understanding.

The troubles of foreign correspondents in the third world have been discussed before in the conferences and journals of universities and journalism societies. Pleas for moderation and understanding are often made. If only programs were developed to teach third-world governments about the role of a press in a free society, it is said, then an accommodation between the journalists and these governments might be reached. In this vein, the World Press Freedom Development Committee, organized by several American publishers and broadcasters, is planning a \$1-million program to train third-world journalists in the United States and to send American experts abroad to help third-world newspapers.

This cannot hurt, but I doubt if it will help very much. What is needed far more is a recognition of the seriousness of the problems, a cry of warning and some tough talk from the U.S. government and other governments. The third world is harassing foreign correspondents more and more. In some areas, a virtual news blackout exists. This should be unacceptable to democratic Western governments that deal with these

third-world countries. The peoples of these Western societies have the right to be informed about the countries with which their governments are signing trade, aid, and political agreements. Andrew Heiskell, chairman of Time Inc., made the issue clear in his testimony to the Senate Subcommittee on International Operations. "As senators and lawmakers," he said, "you cannot consider coherent policies involving India, Ethiopia, or Chile, for example, if you are working from ignorance. Nor can the American people intelligently analyze or support your policy-making out of the depths of ignorance. The information we fail to get, they fail to get." A U.S. government that cuts aid to nations with poor records on human rights should do the same to nations that refuse to let American correspondents see what is going on there and report what they see. During the Indian emergency, a West German threat to cut aid persuaded the Indian government to reconsider a planned expulsion of German correspondents.

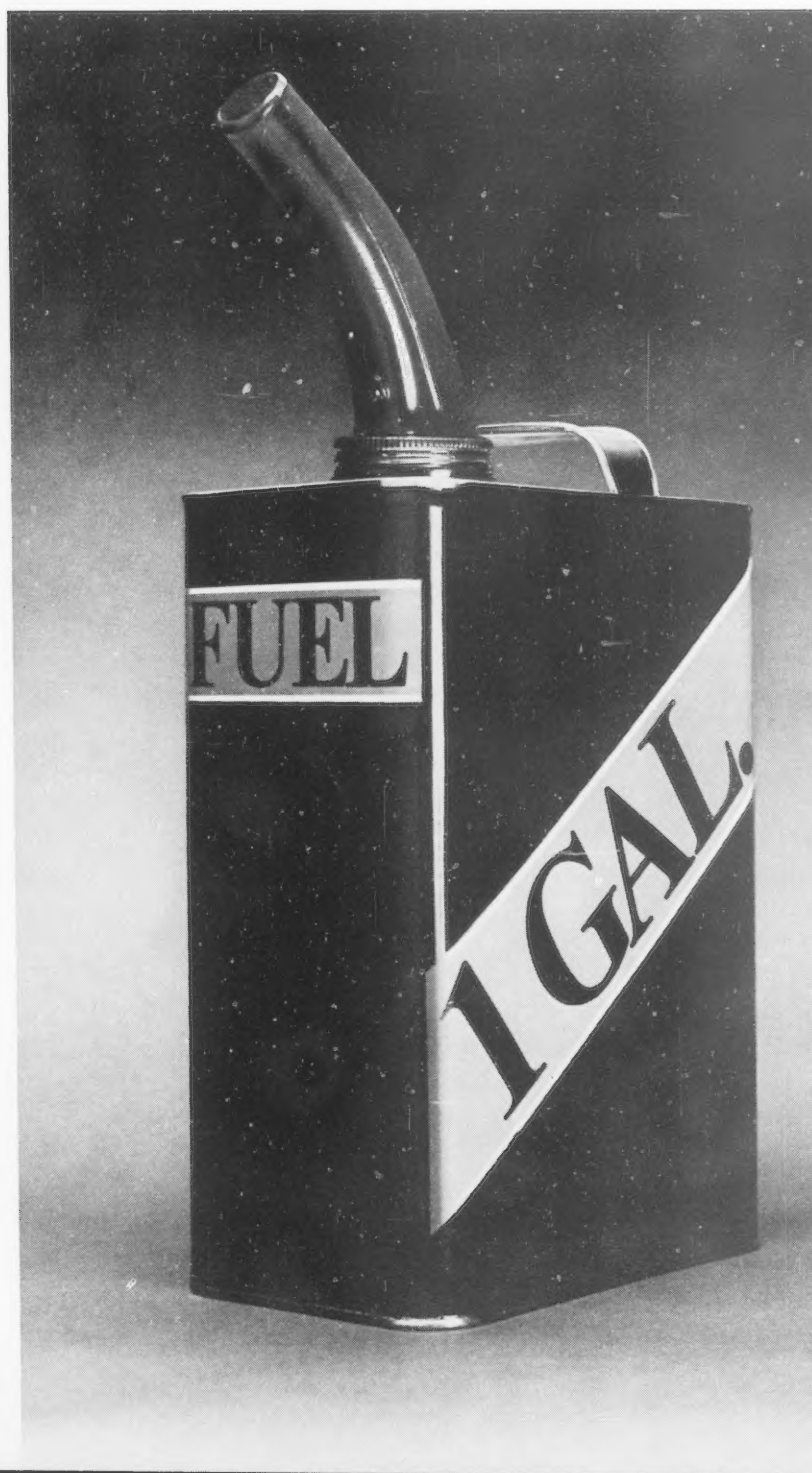
Yet the U.S. government publicly ignores the problem and even treats Nigeria, probably the most glaring offender, as a bosom friend. Instead of lavishing praise on Lieutenant General Olusegun Obasanjo, the Nigerian ruler, during his recent visit to the United States and promising to select Nigeria as the first black African country to receive a visit from any American president, President Carter ought to be castigating the Nigerian government for refusing to allow American newsmen in. Nigeria deserves no more favored treatment than the Soviet Union.

Many people seem to have a condescending tolerance toward the ill-treatment of correspondents by developing countries. After my jailing in Zambia, I was told by an ardent British supporter of black Africa, "Oh, well, these things will happen in a developing country." Covering the third world—an assignment for so large a number of foreign correspondents these days—is difficult enough without such myopia. ■



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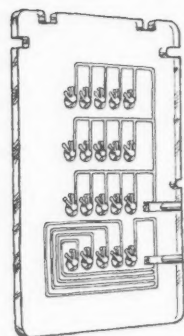
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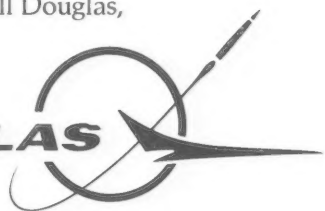
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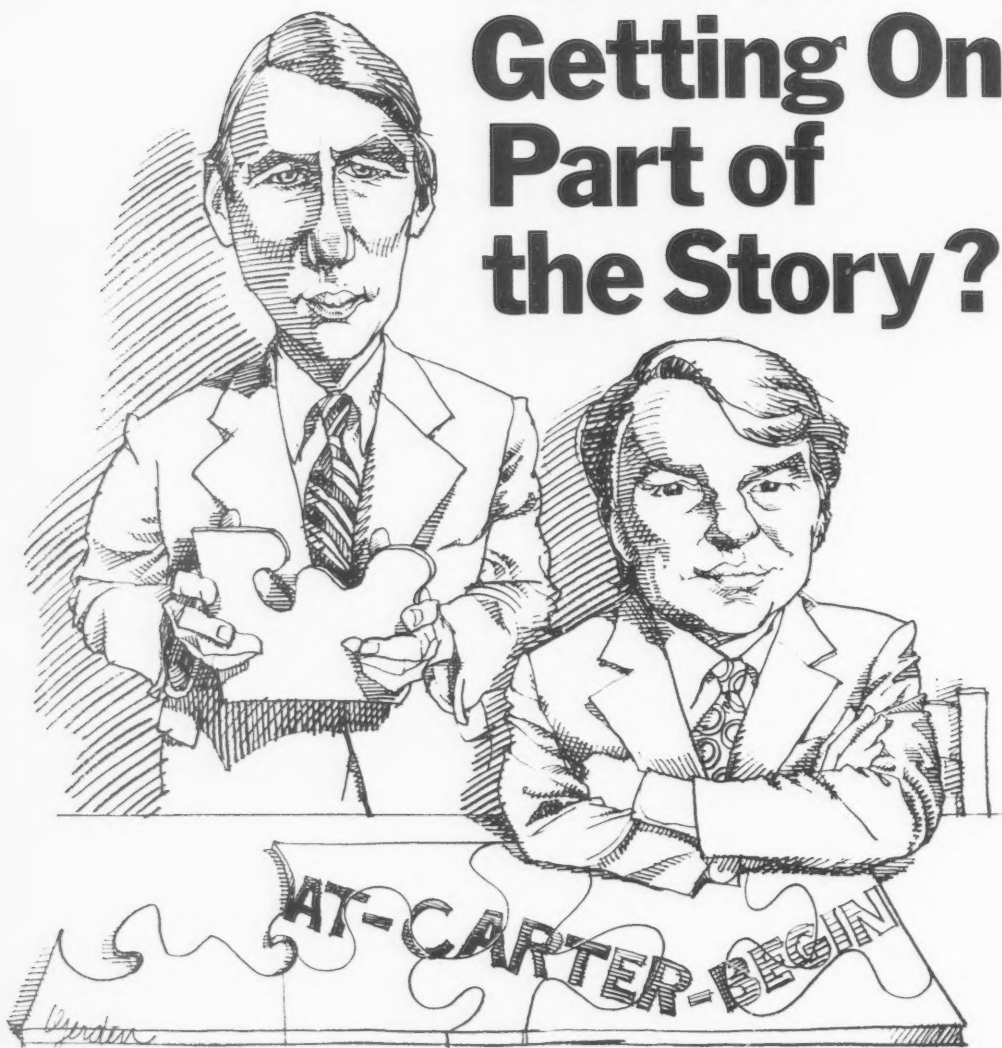
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# THE PRESS AND THE COURTS: IS NEWS GATHERING SHIELDED BY THE FIRST AMENDMENT?

Journalists are claiming constitutional protection for their sources; judges say reporters are placing themselves above the law. Here are documents from the debate.

**T**he promise to protect the identity of a source in exchange for information has long been part both of the news-gathering process and of journalists' professional codes. Various states, starting with Maryland in 1896, have recognized reporters' rights to conceal the identity of sources from official and judicial inquiry. But only in recent years, under pressure from courts and law-enforcement agencies, has the journalism community tried to seek new, broad ground for confidentiality, based not on statutes but on the Constitution. Moreover, journalists have increasingly sought protection not only for the identity of sources but for all unpublished materials and all phases of the process of news gathering and news preparation. In his 1972 study of press subpoenas for the Reporters Committee for Freedom of the Press, Vince Blasi of the University of Michigan Law School discerned five potential First Amendment interests that might be affected by such official action as subpoenas: "(1) the interest of the press in newsgathering; (2) the interest of the press in avoiding substantial cost impositions; (3) the interest of the press in the absolute integrity of its news presentation decisions; (4) the interest of the news source in conveying his ideas and information with the assistance of the reporter; (5) the interest of the news source in conveying his information and ideas anonymously." Blasi conceded that these interests had to be weighed against other constitutional interests.

Even before Blasi's report could be published, the U.S. Supreme Court went far toward dispelling

those claims. In *Branzburg v. Hayes*, the Court ruled that First Amendment interests had to give way before "the general obligation of a citizen to appear before a grand jury or at a trial . . . and give what information he possesses." The major consolation appeared to be in Justice Lewis F. Powell, Jr.'s concurring opinion: "The Court does not hold that newsmen . . . are without constitutional rights with respect to the gathering of news or in safeguarding their sources . . . the courts will be available to newsmen under circumstances where legitimate First Amendment interests require protection."

**T**hose words have a hollow ring for journalists who sought protection from the courts in subsequent years and found themselves in jail. Although scattered lower-court decisions have acknowledged the constitutional privilege, the major trend has been not only to minimize First Amendment claims for news gathering and confidentiality, but even to dismiss them as nonexistent. The last few months have offered a culmination of this trend. Three cases—*Zurcher v. Stanford Daily, Reporters Committee v. American Telephone & Telegraph*, and *In the Matter of Myron Farber and The New York Times Company*—have produced decisions that have stirred the journalism community to alarm.

In the pages that follow, the *Review* presents the critical language from these decisions as it affects First Amendment claims, and selections from the discussion the decisions have inspired.

# Searching the newsroom

Zurcher v.  
Stanford Daily

On April 12, 1971, four police officers entered the offices of the Stanford Daily, the campus newspaper at Stanford University, armed with a warrant authorizing them to search for photographic evidence concerning a clash between police and demonstrators at the University Hospital, an incident covered in a special edition of the Daily a day before. The Daily then brought a civil action charging violations of the First, Fourth, and Fourteenth Amendments. A federal district court ruled not only that the Fourth and Fourteenth Amendment forbade the issuance of a warrant to search innocent third parties, but that First Amendment interests were also involved and that such searches were permissible "only on the rare circumstance where there is a clear showing that (1) important materials will be destroyed or removed from the jurisdiction and (2) a restraining order would be futile." The police appealed the decision. Ultimately it was argued before the Supreme Court, which ruled the search legal, 5-3, in a decision on May 31, 1978.

From the opinion of the Court, delivered by Justice Byron R. White:

**T**he general submission is that searches of newspaper offices for evidence of crime reasonably believed to be on the premises will seriously threaten the ability of the press to gather, analyze, and disseminate news. This is said to be true for several reasons: first, searches will be physically disruptive to such an extent that timely publication will be impeded. Second, confidential sources of information will dry up, and the press will also lose opportunities to cover various events because of fears of the participants that press files will be readily available to the authorities. Third, reporters will be deterred from recording and preserving their recollections for future use if such information is subject to seizure. Fourth, the processing of news and its dissemination will be chilled by the prospects that searches will disclose internal editorial deliberations. Fifth, the press will resort to self-censorship to conceal its possession of information of potential interest to the police.

It is true that the struggle from which the Fourth Amendment emerged "is largely a history of conflict between the Crown and the press," *Stanford v. Texas*, 379 U.S. 476, 482 (1965), and that in issuing warrants and determining the reasonableness of a search, state and federal magistrates should be aware that "unrestricted power of search and seizure could also be an instrument for stifling liberty of expression." *Marcus v. Search Warrant*, 367 U.S. 717, 729 (1961). Where the materials sought to be seized may be protected by the First Amendment, the requirements of the Fourth Amendment must be applied with "scrupulous exactitude." *Stanford v. Texas*, *supra*, at 485. "A seizure reasonable as to one type of material in one setting may be unreasonable in a different setting or with respect to another kind of material." *Roaden v. Kentucky*, 413 U.S. 496, 501 (1973). Hence, in *Stanford v. Texas*, the Court invalidated a warrant authorizing the search of a private home for all books, records, and other materials relating to the Communist Party, on the ground that whether or not the warrant would have been sufficient in other contexts, it authorized the searchers to rummage among and make judgments about books and papers and was the functional equivalent of a general warrant, one of the principal targets of the Fourth Amendment. Where presumptively protected materials are sought to be seized, the warrant requirement should be administered to leave as little as possible to the discretion or whim of the officer in the field. . . .

Neither the Fourth Amendment nor the cases requiring consideration of First Amendment values in issuing search warrants, however, call for imposing the regime ordered by the District Court. Aware of the long struggle between Crown and press and desiring to curb unjustified official intrusions, the Framers took the enormously important step of subjecting searches to the test of reasonableness and to the general rule requiring search warrants issued by neutral magistrates. They nevertheless did not forbid warrants where the press was involved, did not require special showings that subpoenas would be impractical, and did not insist that the owner of the place to be searched, if connected with the press, must be shown to be implicated in the offense being investigated. Further, the prior cases do no more than insist that the courts apply the warrant requirements with particular exactitude when First Amendment interests would be endangered by the search. As we see it, no more than this is required where the warrant requested is for the seizure of criminal evidence reasonably believed to be on the premises occupied by a newspaper. Properly administered, the preconditions for a warrant—probable cause, specificity with respect to

the place to be searched and the things to be seized, and overall reasonableness—should afford sufficient protection against the harms that are assertedly threatened by warrants for searching newspaper offices.

There is no reason to believe, for example, that magistrates cannot guard against searches of the type, scope, and intrusiveness that would actually interfere with the timely publication of a newspaper. Nor, if the requirements of specificity and reasonableness are properly applied, policed, and observed, will there be any occasion or opportunity for officers to rummage at large in newspaper files or to intrude in or to deter normal editorial and publication decisions. The warrant issued in this case authorized nothing of this sort. Nor are we convinced, anymore than we were in *Branzburg v. Hayes*, 408 U.S. 665, that confidential sources will disappear and that the press will suppress news because of fears of warranted searches. Whatever incremental effect there may be in this regard if search warrants, as well as subpoenas, are permissible in proper circumstances, it does not make a constitutional difference in our judgment.

“The effect of this decision on the operation of the news media in this country could be dramatic. In a situation like Watergate, for example, a newspaper (or its reporters) would be foolish to retain documentary evidence that might reveal the sources of its information. Had this decision been in place before Watergate, it is not hard to imagine the conditions under which some judge could have been convinced this newspaper had evidence of some crime—perhaps totally unrelated to Watergate—in its files. Once a warrant to search for that evidence had been issued, the way would have been open for investigators to look at everything in the files until they found it. If, in the process, they happened to come across by accident the names of the Watergate sources, the government would then have acquired information that no court would have authorized it to obtain.”

From an editorial, "The Right to Rummage," *The Washington Post*, June 1, 1978

The fact is that respondents and amici have pointed to only a very few instances in the entire United States since 1971 involving the issuance of warrants for searching newspaper premises. This reality hardly suggests abuse; and if abuse occurs, there will be time enough to deal with it. Furthermore, the press is not only an important, critical, and valuable asset to society, but it is not easily intimidated—nor should it be. . . .

[S]urely a warrant to search newspaper premises for criminal evidence such as the



## THE PRESS AND THE COURTS

one issued here for news photographs taken in a public place carries no realistic threat of prior restraint or of any direct restraint whatsoever on the publication of the *Daily* or on its communication of ideas. The hazards of such warrants can be avoided by a neutral magistrate carrying out his responsibilities under the Fourth Amendment, for he has ample tools at his disposal to confine warrants to search within reasonable limits. . . .

We reject the reasons given by the District Court and adopted by the Court of Appeals for holding the search for photographs at the *Stanford Daily* to have been unreasonable within the meaning of the Fourth Amendment and in violation of the First Amendment. Nor has anything else presented here persuaded us that the Amendments forbade this search. It follows that the judgment of the Court of Appeals is reversed.

*From Justice Powell's concurring opinion:*

I join the opinion of the Court, and I write simply to emphasize what I take to be the fundamental error of MR. JUSTICE STEWART's dissenting opinion. As I understand that opinion, it would read into the Fourth Amendment, as a new and *per se* exception, the rule that any search of an entity protected by the Press Clause of the First Amendment is unreasonable so long as a subpoena could be used as a substitute procedure. Even aside from the difficulties involved in deciding on a case-by-case basis whether a subpoena can serve as an adequate substitute,\* I agree with the Court that there is no constitutional basis for such a reading.

If the Framers had believed that the press was entitled to a special procedure, not available to others, when government authorities required evidence in its possession, one would have expected the terms of the Fourth Amendment to reflect that belief. As the opinion of the Court points out, the struggle from which the Fourth Amendment emerged was that between Crown and press. The Framers were painfully aware of that history, and their response to it was the Fourth Amendment. Hence, there is every reason to believe that the usual procedures contemplated by

\*For example, respondent has announced a policy of destroying any photographs that might aid prosecution of protestors. While this policy probably reflected the deep feelings of the Vietnam era, and one may assume that under normal circumstances few, if any, press entities would adopt a policy so hostile to law enforcement, respondent's policy at least illustrates the possibility of such hostility. Use of a subpoena, as proposed by the dissent would be of no utility in face of a policy of destroying evidence. And unless the policy were publicly announced, it probably would be difficult to show the impracticability of a subpoena as opposed to a search warrant. . . .

the Fourth Amendment do indeed apply to the press, as to every other person.

This is not to say that a warrant which would be sufficient to support the search of an apartment or an automobile necessarily would be reasonable in supporting the search of a newspaper office. As the Court's opinion makes clear, the magistrate must judge the reasonableness of every warrant in light of the circumstances of the particular case, carefully considering the description of the evidence sought, the situation of the premises, and the position and interests of the owner or occupant. While there is no justification for the establishment of a separate Fourth

We reject the theories put forth in *Stanford Daily* that there is any effective way to limit the damage suffered by a news organization subjected to no-notice surprise searches. First, politically appointed or elected magistrates are not an adequate safeguard for the First Amendment interests of press organizations whose historical function is to expose the corruption and misdeeds of the very political structure of which the local magistrate is an integral part.

Second, a number of the most celebrated confidentiality cases have involved news organizations or news reporters who have refused to disclose confidential information indicating that court orders have been broken. In a number of cases, reporters have been held in contempt and have gone to jail rather than comply with these subpoenas. As criminal contempt is itself a crime against the court, it is unrealistic to assume that a local judge—when a crime has been committed against his own authority—is going to serve as an effective guardian of the privacy of newsrooms.

Third, every desk in every newsroom contains confidential information of some nature. Rarely does a reporter conduct an interview with anyone where some statements or background information is not given to the reporter in confidence or for use as a source or not attributable to the source.

[T]he fabric of journalism on a daily basis is so intertwined with obtaining information of a confidential nature that permitting police to search through a newsroom jeopardizes the relationship of every reporter in the newsroom and virtually every person he has talked to; and so undermines the independence and credibility of the press that it would be virtually impossible to operate effectively.

From a statement by Jack C. Landau for the Reporters Committee for Freedom of the Press before a subcommittee of the Senate Committee on the Judiciary, July 13, 1978

Amendment procedure for the press, a magistrate asked to issue a warrant for the search of press offices can and should take cognizance of the independent values protected by the First Amendment—such as those highlighted by MR. JUSTICE STEWART—when he weighs such factors. If the reasonableness and particularity requirements are thus applied, the dangers are likely to be minimal.

I am convinced we will see more newsroom search warrants in the near future and that—sometimes unintentionally, sometimes intentionally—abuse will come as quickly. Unlike the use of a subpoena, which may be merely the legal means to seek the cooperation of news organizations, the use of the search warrant is always an unfriendly act. Since a subpoena duces tecum is a geographically broader command for evidence, it should be to the advantage of a prosecutor to employ it, rather than a search warrant, if he has a modicum of respect for the good faith and professional needs of journalists.

But what of the vindictive district attorney, with access to a less than neutral judge or magistrate? What if a reporter has been digging into things they preferred undug? The potential for abuse by a newsroom search warrant is enormous.

From a statement of Paul Davis, president-elect of the Radio Television News Directors Association, June 22, 1978, before a subcommittee of the Senate Committee on the Judiciary

In any event, considerations such as these are the province of the Fourth Amendment. There is no authority either in history or in the Constitution itself for exempting certain classes of persons or entities from its reach.

*From Justice Potter Stewart's dissent, in which Justice Thurgood Marshall joined:*

Believing that the search by the police of the offices of the *Stanford Daily* infringed the First and Fourteenth Amendments' guarantee of a free press, I respectfully dissent.

It seems to me self-evident that police searches of newspaper offices burden the freedom of the press. The most immediate and obvious First Amendment injury caused by such a visitation by the police is physical disruption of the operation of the newspaper. Policemen occupying a newsroom and searching it thoroughly for what may be an extended period of time will inevitably interrupt its normal operations, and thus impair or even temporarily prevent the processes of news gathering, writing, editing, and publishing. By con-

trast, a subpoena would afford the newspaper itself an opportunity to locate whatever material might be requested and produce it.

But there is another and more serious burden on a free press imposed by an unannounced police search of a newspaper office: the possibility of disclosure of information received from confidential sources, or of the identity of the sources themselves. Protection of those sources is necessary to ensure that the press can fulfill its constitutionally designated function of informing the public, because important information can often be obtained only by an assurance that the source will not be revealed.

**T**oday the Court does not question the existence of this constitutional protection, but says only that it is not "convinced . . . that confidential sources will disappear and that the press will suppress news because of fears of warranted searches." This facile conclusion seems to me to ignore common experience. It requires no blind leap of faith to understand that a person who gives information to a journalist only on condition that his identity will not be revealed will be less likely to give that information if he knows that, despite the journalist's assurance, his identity may in fact be disclosed. And it cannot be denied that confidential information may be exposed to the eyes of police officers who execute a search warrant by rummaging through the files, cabinets, desks and wastebaskets of a newsroom. Since the indisputable effect of such searches will thus be to prevent a newsman from being able to promise confidentiality to his potential sources, it seems obvious to me that a journalist's access to information, and thus the public's, will thereby be impaired.

A search warrant allows police officers to ransack the files of a newspaper, reading each and every document until they have found the one named in the warrant, while a subpoena would permit the newspaper itself to produce only the specific documents requested. A search, unlike a subpoena, will therefore lead to the needless exposure of confidential information completely unrelated to the purpose of the investigation. The knowledge that police officers can make an unannounced raid on a newsroom is thus bound to have a deterrent effect on the availability of confidential news sources. The end result, wholly inimical to the First Amendment, will be a diminishing flow of potentially important information to the public.

One need not rely on mere intuition to reach this conclusion. The record in this case includes affidavits not only from members of the staff of the *Stanford Daily* but from many professional journalists and editors, attesting to precisely such personal experience. Despite the Court's

rejection of this uncontroverted evidence, I believe it clearly establishes that unannounced police searches of newspaper offices will significantly burden the constitutionally protected function of the press to gather news and report it. . . .

It is well to recall the actual circumstances of this case. The application for a warrant showed only that there was reason to believe that photographic evidence of assaults on the police would be found in the offices of the *Stanford Daily*. There was no emergency need to protect life or property by an immediate search. The evidence sought was not contraband, but material obtained by the *Daily* in the normal exercise of its journalistic function. Neither the *Daily* nor any member of its staff was suspected of criminal activity. And there was no showing the *Daily* would not respond to a subpoena commanding production of the photographs, or that for any other reason a subpoena could not be obtained. Surely, then, a subpoena *duces tecum* would have been just as effective as a police raid in obtaining the production of the material sought by the Santa Clara County District Attorney. . . .

The decisions of this Court establish that a prior adversary judicial hearing is generally required to assess in advance any threatened invasion of First Amendment liberty. A search by police officers affords no timely opportunity for such a hearing, since a search warrant is ordinarily issued *ex parte* upon the affidavit of a policeman or prosecutor. There is no opportunity to challenge the necessity for the search until after it has occurred and the constitutional protection of the newspaper has been irretrievably invaded.

On the other hand, a subpoena would allow a newspaper, through a motion to quash, an opportunity for an adversary hearing with respect to the production of any material which a prosecutor might think is in its possession. If, in the present case, the *Stanford Daily* had been served with a subpoena, it would have had an opportunity to demonstrate to the court what the police ultimately found to be true—that the evidence sought did not exist. The legitimate needs of government thus would have been served without infringing the freedom of the press.

Perhaps as a matter of abstract policy a newspaper office should receive no more protection from unannounced police searches than, say, the office of a doctor or the office of a bank. But we are here to uphold a Constitution. And our Constitution does not explicitly protect the practice of medicine or the business of banking from all abridgment by government. It does explicitly protect the freedom of the press.

For these reasons I would affirm the judgment of the Court of Appeals.

## Reporters' toll calls

*Reporters Committee for Freedom of the Press v. American Telephone & Telegraph Co.*

*In December 1973 the Reporters Committee for Freedom of the Press, acting for a group of reporters, demanded of the American Telephone & Telegraph Company that it not release journalists' toll-call records to government inquiries without prior notice and that A.T. & T. describe past instances of such releases. Late in 1974, the committee filed suit because, it charged, A.T. & T.'s refusal to give the requested assurances violated reporters' First and Fourth Amendment rights. On August 8, 1978, the U.S. Court of Appeals, District of Columbia Circuit, decided 2-1 that no such violations had taken place.*

*From the opinion for the court by Circuit Judge Malcolm Wilkey:*

**P**laintiffs contend that the First Amendment guarantees "journalists" the right to gather information from secret sources, and that this right implies a further right to maintain the secrecy of those sources. They assert that these rights are abridged whenever the Government gains access to toll-call records, or presumably to any other third-party information which might disclose the identity of their secret sources. Thus, plaintiffs, who have neither a property nor a privacy interest in the business records of the defendant telephone companies, claim nevertheless to have a "First Amendment interest" in these records. This "interest", according to plaintiffs, entitles them to bar Government access to these records even during good faith felony investigations.

The enormity of this claim can best be comprehended by considering the following fact situation which, though hypothetical, is patterned after the five actual instances of toll-call record subpoenas presented in this case.

Suppose that an employee in the Internal Revenue Service's regional office in Atlanta, Georgia, decides that he is going to make public embarrassing information



from the income tax return of a highly prominent citizen. He knows that it is a felony for an I.R.S. employee to disclose tax return information to an unauthorized person, and that it is also a felony for any person to whom such information has been disclosed thereafter to publish it. Therefore, the employee naturally desires to avoid detection and plans to act cautiously. He places a long-distance telephone call to a journalist in Washington, D.C., informing him of his designs, and the journalist says he will consider the matter. Later, the journalist calls the employee and sets up a meeting in Washington. On the agreed date, the employee takes a plane to Washington, and registers in a local hotel. Later, he takes a taxicab from the hotel to a rendezvous at the journalist's own home. He is seen by one of the journalist's neighbors as he enters the journalist's home. During his meeting with the journalist, the employee asks for and receives the journalist's assurances that he will not disclose the employee's identity even under compulsion. On this basis, the employee delivers the information to the journalist, who [then] publishes it.

When the information appears in the journalist's column, it is obvious to Government law enforcement officials that at least one and possibly two felonies have been committed, and appropriate officers set about investigating the suspected crimes. From the nature of the published information itself, the investigators ascertain that the unauthorized disclosure was made from the Atlanta office. The investigatory problem becomes linking an employee at that office with the Washington journalist.

There are two ways in which this can be done. The most direct way is to have the grand jury subpoena the journalist and compel him to disclose his source. The Supreme Court in *Branzburg v. Hayes* expressly held that this may be done—that the journalist may not refuse to disclose his source. According to the Court, the journalist may be required to testify in any and all good-faith criminal investigations—there is no case-by-case consideration given to a claim of privilege. *Good-faith investigation interests always override a journalist's interest in protecting his source.*

There is also a more indirect way for the investigators to proceed. They can seek out third-party information connecting the journalist with an employee in the Atlanta office. Here, there are at least five sets of third-party business records which, to varying degrees, provide evidence of such a link: (1) the journalist's toll-call records, (2) the toll-call records of employees in the Atlanta office, (3) the airline records for Atlanta to Washington flights, (4) the Washington hotel records, and (5) the taxicab company's records. There are also at

least two witnesses whose personal recollections may provide evidence of such a link: (1) the taxicab driver, and (2) the journalist's neighbor.

Plaintiffs' position is that the journalist in this hypothetical situation has "First Amendment interests" in these five sets of business records and the testimony of these two witnesses, and that his "interests" may outweigh the Government's need for this evidence. Thus, according to plaintiffs, the Government would be required to notify the journalist before it could seek access to any of these records or witnesses, in order to give the journalist the opportunity to vindicate his supposed First Amendment right to maintain the secrecy of his sources. In short, plaintiffs claim that journalists have the unprecedented privilege of suppressing the records and testimony of third parties to whom they and their sources have carelessly revealed incriminating information.

In our view, plaintiffs' position is based on erroneous propositions. First, the so-called right of journalists to gather information from secret sources does not include a right to maintain the secrecy of sources in the face of good-faith felony investigations. Second, Government access to third-party evidence in the course of a good-faith felony investigation in no sense "abridges" plaintiffs' information-gathering activities.

It is . . . clear from *Branzburg* and related cases that the freedom to gather information guaranteed by the First Amendment is the freedom to gather information subject to the general and incidental burdens that arise from good-faith enforcement of otherwise valid criminal and civil laws that are not themselves solely directed at curtailing the free flow of information. The broad scope of acceptable government investigation, so necessary to the secure enjoyment of all liberties, unavoidably places a burden on all citizens. It is difficult, though not impossible, to establish absolutely secret contacts with other people. The freedom that "journalists" enjoy with respect to their news gathering is subject to this burden. *The First Amendment does not guarantee plaintiff "journalists," or other citizens, a special right to immunize themselves from good-faith investigation simply because they may be engaged in gathering information.* Thus, the Government's good-faith inspection of defendant telephone companies' toll call records does not infringe on plaintiffs' First Amendment rights, because that Amendment guarantees no freedom from such investigation. . . .

In *Katz v. United States*, the Supreme Court observed that *all investigative action* intrudes upon privacy to some extent. The same can be said for the relationship between investigation and First Amendment activity; that is, *all investigative ac-*

*tion affects or "implicates" First Amendment activity.* After all, the *First Amendment is not the personal preserve of "journalists."* It covers almost all forms of expression; it covers associative activities; it covers religious activities. All citizens have First Amendment rights and each one's rights are as precious as the other's. Each time law enforcement officers arrest an individual, they place restraints on First Amendment activity. Does this mean that before an arrest can be made there must be a hearing at which the State's "interest" in making the arrest is judicially balanced against the consequent inhibitions on First Amendment rights? Each time law-enforcement officers place a suspect under physical surveillance or make inquiries and collect information on a suspect, they "implicate" First Amendment rights. Does this mean that before the police can take this fundamental investigative action there must be a hearing at which the particular utility of these acts is judicially balanced against the First Amendment "interests" they may affect? . . . Of course, the practical consequence of such a regime would be the complete and absolute stultification of law enforcement.

If this is indeed what the First Amendment means, then I am surprised we have not heard of it sooner. Think of all those unfortunates in prison who would be free men today if the dissent had its way and if they but had the foresight to anticipate these plaintiffs and base their evidentiary challenges on First rather than Fourth Amendment grounds.

The only way in which plaintiffs and the dissent could avoid this *denouement* is to limit these First Amendment protections only to *some* individuals; or perhaps only to *some* species of First Amendment activities; or perhaps only to *some* individuals in *some* activities. . . .

How would this gradation be made without doing violence to the First Amendment itself? If the First Amendment protects "journalists" from third-party subpoenas, how about ministers, priests and rabbis? How about authors, teachers, social workers and publishers? How about labor unionites, Democrats, Republicans and sorority sisters? . . .

In sum, the approach urged by plaintiffs and the dissent must inevitably result in one of two consequences. *Either all people at all times* will have the First Amendment balancing protection against good-faith investigation, in which case law enforcement will be completely throttled. *Or, certain people at certain times* will be entitled to such protection, in which event first the police and then the courts will be obliged in each case to delineate the individuals and species of activity entitled to protection, and this, in turn, will necessarily require distinguishing "real" from



"sham" First Amendment claims. In my view, neither approach is acceptable, in theory or in practicality.

*From the dissenting opinion by Chief Judge J. Skelly Wright:*

Prior to 1974 A.T. & T. had no formal policy governing provision of long distance toll billing records to Government investigators. Instead, the decisions were left to individual operating companies, whose general practice was to provide such records whenever requested with no notice afforded to the subscriber by either the Government or the companies. On at least five, and allegedly six, occasions the toll billing records of appellants were provided to the Government in accordance with this general practice. During the summer of 1971, for example, after the printing of portions of the Pentagon papers in publications with which Richard Dudman and Knight Newspapers were affiliated, the Chesapeake & Potomac Telephone Company (C.&P.) provided agents of the Federal Bureau of Investigation involved in the Daniel Ellsberg-Pentagon Papers investigation with the long distance records for telephones listed to Dudman and Knight Newspapers.

... That same summer the F.B.I., acting on a White House request that it learn the sources of a column by Jack Anderson about an official of the Agency for International Development who had "crashed" a party for Vice-President Agnew which, in the words of a State Department cable quoted by Anderson, "culminated in his getting sloshed," secured from C.&P. toll records for telephones listed to Anderson and three of his employees. ... A final example worthy of note occurred in early 1974 and involved David Rosenbaum of *The New York Times*. A taxpayer complained to the Internal Revenue Service that Rosenbaum knew about an investigation of the taxpayer being conducted by the I.R.S., and that Rosenbaum had suggested to the taxpayer that the investigation was being suppressed for political reasons. Although the I.R.S. knew the identity of the agent likely to be Rosenbaum's source, it nonetheless requested and received from C.&P. the toll billing records, not only for Mr. Rosenbaum's telephone, but for all the telephones of the entire staff of the Washington Bureau of *The New York Times* for a six-month period. ...

In none of these or the other admitted cases of Government requests for appellants' phone records was the Government agency involved required to establish probable cause for its request or to secure any form of judicial approval. Nor did the telephone companies in any way challenge the Government's authority to obtain the requested information. And neither the Government nor the telephone companies

made any effort in any of these cases to notify the reporter or newspaper whose records were being sought of the request. As a result, at no time was the validity or constitutionality of the Government requests subject to any form of judicial scrutiny.

The issues which this case does present are twofold: whether appellants possess any First Amendment interest which is threatened by disclosure of their toll billing records to the Government and, if so, whether they are entitled to an opportunity for prior judicial supervision on a case-by-case basis to safeguard that interest. In my view, *Branzburg v. Hayes* and *Zurcher v. Stanford Daily*, considered in light of the circumstances present in this case, mandate an affirmative answer to both questions. ...

While reporters have, since *Branzburg*, been required on some occasions to disclose confidential sources in grand jury investigations and at trials, the courts have consistently read *Branzburg* as recognizing the First Amendment interests of reporters in confidentiality and as requiring a judicial balancing before disclosure is ordered. ...

In light of *Branzburg* and these subsequent decisions, I think there can be no question but that news gathering does qualify for First Amendment protection. Nor can there be any doubt that news gathering encompasses contacts with confidential sources of information, who may serve as the first step in the process of gathering, editing, and distributing information to the public. And the circumstances of this case, more strikingly than testimony before a grand jury, betray the potential for substantial infringement of this confidentiality and, with it, substantial burdening of the First Amendment rights of reporters—and of the flow of information to the public.

As a practical matter, appellants may often have little choice but to use long-distance telephone lines to communicate with confidential sources outside the immediate area in which they work. Their toll billing records will therefore include information which can easily be used to identify their news sources. ... The Government learns not only the names of individuals "implicated in crime or possess[ing] information relevant to the grand jury's task," ... but also the names of all the sources with whom the reporter has communicated, many of whom may be individuals who bear no relation to any potential criminal investigation and thus would never be subject to disclosure through grand-jury proceedings. Indeed, the possibility that their names may secretly become available to the Government may "chill" sources generally. ... thus denying the public information by depriving the journalist of one of his

more important means of information gathering.

And once a reporter's records are released, the damage is done. The Government can immediately identify all of the reporter's confidential sources, and the subsequent return of the records, or even a monetary award, cannot undo the injury. Moreover, A.T.&T.'s release of toll billing records is not limited to subpoenas from grand juries. ... Forty-seven Government agencies, many with jurisdiction unrelated to enforcement of criminal laws, possess authority to request and obtain such records, usually in secret, on their own initiative, and without any judicial control. ...

## Forced disclosure of confidential notes

*In the matter of Myron Farber and The New York Times Company*

On January 7 and 8, 1976, The New York Times carried stories by Myron A. Farber reporting the results of an investigation of mysterious deaths ten years before at Riverdell Hospital, Oradell, New Jersey. The stories led to the indictment of Dr. Mario E. Jascalevich on charges of poisoning five patients. His trial started early in 1978. When the defense indicated that it would call Farber as a witness, the reporter was barred from the courtroom under a court order. Farber and the Times protested, but a New Jersey superior court held that "if a newspaper reporter assumes the duties of an investigator, he must also assume the responsibilities of an investigator and be treated equally under the law. ... It is this Court's opinion that the rights of the press under the First Amendment can never exceed the rights of a defendant to a fair and impartial trial." These words were a signal of troubles to come. On May 19, the trial judge, William J. Arnold, issued orders permitting the defense to subpoena notes and documents on the case held by

## THE PRESS AND THE COURTS

Farber or the Times. On June 30, Judge Arnold directed the Times and Farber to let him inspect the materials in camera. Citing both the New Jersey shield law and the First Amendment, the Times and Farber offered repeated legal and jurisdictional challenges to the order. In the end, on July 25, the Times and Farber were convicted of contempt of court, with the newspaper directed to pay a fine of \$100,000 and \$5,000 a day until it complied with the court's order; Farber was fined \$1,000 and sentenced to six months for criminal contempt—a sentence to start only after he had surrendered his notes, although he was to be imprisoned in the meantime. Appeals to the United States Supreme Court yielded nothing, and on August 4 Farber was incarcerated in Bergen County jail. As his lawyers sought his release and a hearing on the issues, a new question was introduced by Judge Arnold, who directed that two publishers, Doubleday and Warner Communications, should turn over to the court material related to their agreements with Farber for a book on the Jascavich case. This led to a scolding of Farber by a federal district judge and the diversion of comment from the issue of confidentiality. On August 18, the Times turned over its own office files on the case, but ten days later Judge Theodore W. Trautwein of the New Jersey Superior Court rewarded the paper by accusing it of "sanitizing" its files; he also ruled that it must continue to pay its fines. Not until the last day of August did Farber and the Times gain temporary relief, after Farber had spent twenty-seven days in jail and the Times had paid \$130,000 in fines; on that day the New Jersey Supreme Court agreed to hear arguments on the case. It handed down its decision on September 21: a 5-2 majority ruled against Farber and ordered him back to jail, a step delayed until October 6, when the U.S. Supreme Court ordered Farber either to hand over his files or return to jail. On October 10 Farber again appeared before Judge Trautwein, who ordered him back to jail on October 12.

From the majority opinion, Justice Worrall F. Mountain:

“The loss of this case on the merits would be a serious blow to all news gathering. The present trial by nights in jail is itself a dangerous infringement on the freedom to publish. Mr. Farber is the victim of extraordinary insensitivity.

He and the Times seek desperately to plead that we cannot do the work that the community should prize the most if we are forced to reveal our informants and confidential notes. We contend that the First Amendment's protection of the press extends to the gathering as well as the print-

Appellants claim a privilege to refrain from revealing information sought by the subpoena *duces tecum* essentially for the reason that were they to divulge this material, confidential sources of such information would be made public. Were this to occur, they argue, news gathering and the dissemination of news would be seriously impaired, because much information would never be forthcoming to the news media unless the sources of such information could be entirely certain that their identities would remain secret. The result, appellants claim, would be a substantial lessening in the supply of available news on a variety of important and sensitive issues, all to the detriment of the public interest. They contend further that this privilege to remain silent with respect to confidential information and the sources of such information emanates from the "free speech" and "free press" clauses of the First Amendment.

In our view the Supreme Court of the United States has clearly rejected this claim and has squarely held that no such First Amendment right exists. . . .

[A]mong the many First Amendment protections that may be invoked by the press, there is not to be found the privilege of refusing to reveal relevant confidential information and its sources to a grand jury which is engaged in the fundamental governmental function of "[f]air and effective law enforcement aimed at providing security for the person and property of the individual . . ." The reason this is so is that a majority of members of the United States Supreme Court have so determined. . . .

Thus we do no weighing or balancing of societal interests in reaching our determination that the First Amendment does not afford appellants the privilege they claim. The weighing and balancing has been done by a higher court. Our conclusion that appellants cannot derive the protection they seek from the First Amendment rests upon the fact that the ruling in *Branzburg* is binding upon us and we interpret it as applicable to, and clearly including the particular issue framed here. It follows

ing of news. Frightened, threatened, or embarrassed sources daily offer our reporters fact, confession, rumor or accusation on condition that their identity remain secret. To betray one such source would jeopardize all. To have to protect such a source at such great cost already jeopardizes others. How many reporters will be trusted to choose jail? How many newspapers can afford such fines and fees?

From an editorial, "Our Man in Jail," *The New York Times*, August 6, 1978

that the obligation to appear at a criminal trial on behalf of a defendant who is enforcing his Sixth Amendment rights is at least as compelling as the duty to appear before a grand jury.

“A source's right to anonymity is so important that it must not be breached every time a defendant in a criminal case claims that his prosecution was triggered by a news story. Because a defendant's Sixth Amendment right conflicts with what would be a source's First Amendment right in any other circumstances, we should require a defendant to demonstrate to a court that it is essential to his defense to learn the identity of a source. Myron Farber was jailed before any such burden was imposed on Dr. Jascavich. But if and when Jascavich meets that burden, Farber should be required to disclose his sources. They enjoy a right to anonymity as against the government, but not against a person placed on trial on criminal charges as a result of their accusations.”

From "The Rights of Farber's Sources," by **Aryeh Neier**, executive director of the American Civil Liberties Union, in *The Nation*, September 16, 1978

In *Branzburg v. Hayes*, *supra*, the Court dealt with a newsman's claim of privilege based solely upon the First Amendment. As we have seen, this claim of privilege failed. In *Branzburg* no shield law was involved. Here we have a shield law, said to be as strongly worded as any in the country.

We read the legislative intent in adopting this statute in its present form as seeking to protect the confidential sources of the press as well as information so obtained by reporters and other news media representatives to the greatest extent permitted by the Constitution of the United States and that of the State of New Jersey. It is abundantly clear that appellants come fully within the literal language of the enactment. Extended discussion is quite unnecessary. Viewed solely as a matter of statutory construction, appellants are clearly entitled to the protections afforded by the act . . .

Viewed on its face, considered solely as a reflection of legislative intent to bestow upon the press as broad a shield as possible to protect against forced revelation of confidential source materials, this legislation is entirely constitutional. Indeed, no one appears to have attacked its facial constitutionality.

It is, however, argued, and argued very strenuously, that if enforced under the facts of this case, the Shield Law violates the Sixth Amendment of the Federal Constitution as well as Article 1, par. 10 of the



## THE PRESS AND THE COURTS

New Jersey Constitution. . . . Essentially the argument is this: the Federal and State Constitutions each provide that in all criminal prosecutions the accused shall have the right "to have compulsory process for obtaining witnesses in his favor." Dr. Jascalevich seeks to obtain evidence to use in preparing and presenting his defense in the ongoing criminal trial in which he has been accused of multiple murders. He claims to come within the favor of these constitutional provisions—which he surely does. Finally, when faced with the Shield Law, he invokes the rather elementary but entirely sound proposition that where Constitution and statute collide, the latter must yield. . . .

*From the dissenting opinion of Justice Morris Pashman:*

Mr. Farber relied on a New Jersey law, recently passed, that says reporters may "refuse to disclose" information they have gathered "to any court." He refused to produce his notes when a defendant subpoenaed them. The judge would not hear argument on the new statute or other issues until Mr. Farber showed him the notes. When Mr. Farber continued to say no, he was sentenced to six months in jail for criminal contempt.

Last week the Supreme Court of New Jersey agreed that the words of the new statute protected Mr. Farber—but held the law unconstitutional. It agreed that he should have had a hearing—but speculated that he would have lost if he had had one. By a vote of 5 to 2, it affirmed his conviction. That means that even if he now produces the notes, he must still serve his sentence.

That decision changes the nature of the Farber case. It has been a significant test of the limits on freedom of the press. Now it is a test of the right to due process of law in the most elementary sense: the right to notice of what your rights are, and a hearing, before you are packed off to jail.

I happen to believe that the press's need to protect its sources and editorial process has to be balanced against the constitutional right to a fair trial. A defendant has an especially strong claim to evidence from a reporter when, as in this case, stories led to his prosecution.

But at a minimum a reporter or his notes should not be subpoenaed casually. Before evidence is compelled, there should be a showing that it is likely to be relevant, necessary, and unobtainable by other means. That requirement is essential not for the personal interest of the press but for the public interest served by its freedom to look deeply into public affairs.

The irony is that the New Jersey Supreme Court laid down exactly such a rule

believe the majority holding results in the Shield Law leaving a reporter unshielded and the free press not-so-free. Justice Frankfurter once noted that any court can properly decide a case if only a single principle is in controversy. The difficulty is that this case entails more than one so-called principle. It is therefore a hard case that is destined to make bad law. The victims will be the press, the courts, and the public interest.

Appellants were never accorded a Shield Law hearing prior to the imposition against them of contempt sanctions. Indeed, they were not even given an opportunity to argue that such a hearing should be held. . . .

It did not have to happen this way. This constitutional confrontation should have been avoided by granting a fair hearing to

in its Farber decision: a showing of necessity before even a judge looks at press material "in camera." It wanted to be sure, the court said, that there was no "license for a fishing expedition" in press files.

But the court then said that the trial judge could have found the necessary showing, in this case, if he had ever faced the question and articulated a decision. The court based that conclusion in part on unsupported statements by the other side in the case, untested at a hearing. I think any lawyer would read this part of the opinion with amazement.

If the case had in fact involved a priest, or for that matter a General Motors official, it is mostly unlikely that the New Jersey court would have upheld a contempt conviction on such an "ex post facto" judgment of the law and the facts. Why, then, did the court do so in this case?

The unhappy answer, I think, is that courts in general—and this one specifically—have developed an animus toward the press. The majority opinion and a concurrence have an air of hostility. The press ought to reflect on that, and not only in righteous resentment. For the truth is that we have sometimes sounded arrogant. We have seemed to say that the rights of the press come before all others.

It happens in this case no such absolute arguments were made. Lawyers for Mr. Farber and the Times made only the moderate claim that there should have been a showing of necessity before the notes were ordered produced, and that they should have had a hearing. Only the Supreme Court of the United States can now restore some due process—and common sense—to the Farber case.

From a column by Anthony Lewis of *The New York Times*, published September 26, 1978

Farber and *The New York Times* under the guidelines mandated above. If the ultimate evidential test had been met by Dr. Jascalevich in accordance with those guidelines, Mr. Farber would have had to comply with the trial court order for *in camera* inspection. No one is above the law.

Since appellants were denied "an opportunity to be heard" prior to the imposition of sanctions against them, the judgments below must be vacated.

*From the dissenting opinion of Justice Alan B. Handler:*

I agree with the Court that the appellants do not have a privilege founded upon the freedom of the press clause of the First Amendment to the United States Constitution. . . . [N]evertheless, the reporter's conduct in obtaining and recounting news is a matter of constitutional consideration. A newsman's interest in the gathering of news is an indispensable component in its dissemination and a vital ingredient to freedom of the press.

That interest is therefore entitled to protection. In this perspective the reporter stands apart from the ordinary citizen, and although he is not thereby shed of the burdens of citizenship and must respond as any citizen to legal process, he should not needlessly be hobbled in the pursuit and presentation of news. Constraints upon the news media should therefore be tolerated only when they are essential in the good-faith discharge of legitimate governmental objectives, or when clearly required for the vindication of individual constitutional rights. We are here confronted with such a case and it is in this framework that the fundamental, contending claims of the principals should be assessed. . . .

Since the *in camera* inspection itself "partially destroys the privilege"—and the privilege in this case is deserving of the strongest support—the standards for permitting even so limited a breach of confidentiality should be exacting. Certain initial or threshold showings of need must be required and the burden of convincing the court that such need exists should be a substantial one.

Thus, an *in camera* inspection of a newspaperman's work or work product ought not be allowed unless a defendant has demonstrated in convincing fashion that (1) such information probably contains evidence relevant and material to the question of guilt; (2) in the context of the criminal trial such information appears necessary in the search for truth; and (3) there are no other feasible alternative sources or less intrusive means by which the same evidence can be procured. Additionally, it should be shown that the request for information is not overbroad, oppressive or unreasonable. ■



## Liberals, logical allies of business•The snobbery factor•A plea for independent thinking

We cannot, for the life of us, understand why so many liberals in this country are so hostile to private business, when in our opinion they should be working with business to achieve what should be their basic objectives.

Liberals have been among the prime movers in the enactment of much of this country's social legislation—Aid to Dependent Children, Social Security, housing for the poor and the elderly, school lunches, and other programs. All of these programs have to be financed by revenues derived mainly from taxes on individual and corporate income.

The greater these incomes—which is to say, the more prosperous American business is—the greater the tax revenues. When incomes drop, as in a recession, so do tax revenues. Social programs then have to be reduced accordingly or supported by deficit financing, which over any extended period means inflation. For the poor and for people living on fixed incomes, inflation is the cruelest tyranny of all.

It therefore would seem to us that in all logic liberals should be as pro-business as they are pro-social progress. And we believe many more of them would be if it were not so fashionable intellectually to be part of the "trendy left." Too many of them respond unthinkingly to social and academic pressures rather than engaging in clear, independent analysis.

Part of the problem appears to be snobbery, pure and simple. To many of what might be called the professional liberals, business—indeed, our whole industrial society—is impossibly vulgar. To some it is esthetically offensive. And because business can prosper only by serving the masses of people, some consider it unbearably plebeian.

Yet one of the continuing threads in the mainstream of liberal thought has long been a dedication to the democratic process and to the right of the masses of people to make their voice heard—and heard effectively. If people stop buying a company's goods or services on any large

scale—or just make a credible threat to stop—that company's management tends to listen, and listen attentively. But if you think government is anywhere near as responsive, just recall your last encounter with your City Hall, or your maddening correspondence with a government agency.

Government can become so pervasive that it becomes virtually impossible for the citizenry to turn it around and change its course; indeed, ours may already have become so. But it's doubtful that business could ever get so big or so unresponsive, because it is subject to reaction in the marketplace and to public opinion generally, and to legislation that can curb an entire industry overnight.

What should be a tip-off to any thinking liberal is that an anti-business posture, complete with the clichés that too often substitute for thinking, is mandatory in many liberal circles and is not to be subjected to rigorous intellectual examination. It is a knee-jerk reaction, arising largely from conditions that ceased to exist many years ago and to some that never existed at all.

Lionel Trilling wrote: "It has for some time seemed to me that a criticism which has at heart the interest of liberalism might find its most useful work not in confirming liberalism in its sense of self-righteousness but rather in putting under some degree of pressure the liberal ideas and assumptions of the times." (*The Liberal Imagination: Essays on Literature and Society*, Charles Scribner's Sons, 1976.)

We find puzzling the extent to which liberals often seem impelled to weaken the economic structure on which not just social progress, but indeed our national livelihood depends. To them we suggest the following, oversimplified but nevertheless pointing up the heart of the matter:

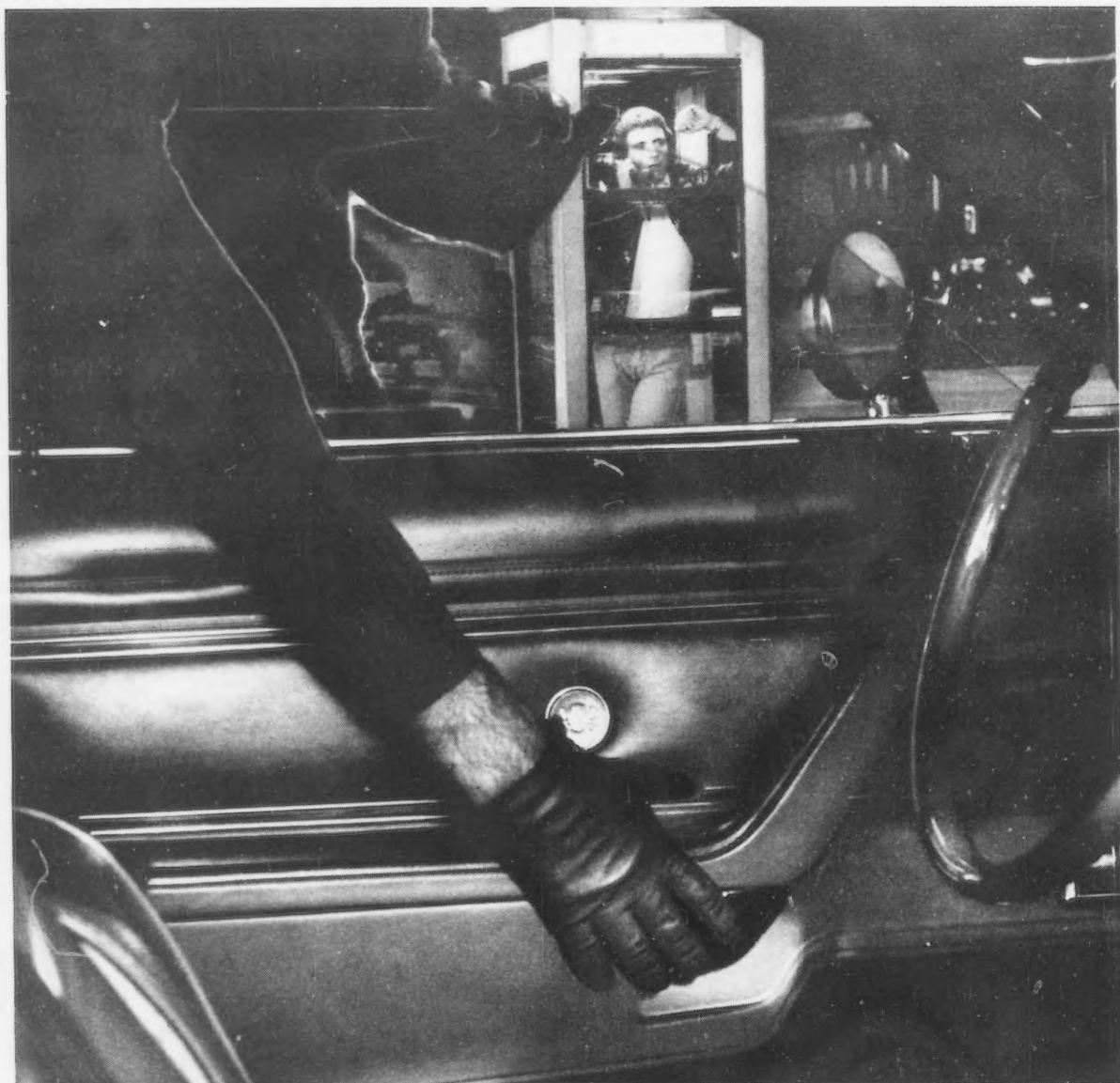
Without adequate profits, no businesses.

Without businesses, no jobs.

Without jobs, no social programs.

**Mobil**

©1978 Mobil Corporation



# **“Hello, we’ve got the car you ordered, Sir.”**

Once every 32 seconds a car is stolen.<sup>1</sup>

Auto theft is no longer a “cottage industry.” It’s a 1.6 billion dollar a year business.<sup>2</sup>

In 1977, 948,024 cars were stolen. If that seems a meaningless statistic to you, what ought to make it meaningful is the fact that you pay for auto thefts through your insurance — whether your car is stolen or not.

Of course, not all cars are stolen for profit. At least one-third are stolen for "fun." And, while cars stolen for "joyrides" are often recovered, they're rarely recovered in one piece.

Can anything be done to stop auto theft? A number of things:

Lock your car. Some 40% of stolen cars are driven away with the keys owners left in them.<sup>3</sup> In Boston, where 1 in every 35 cars was stolen in 1975, a "Lock-your-car" campaign, run by the National Auto Theft Bureau and supported by many institutions including Aetna helped *cut theft 48% in a two-year period.*

Install anti-theft devices such as locking systems, out-off switches and security alarms. While less effective against the professional thief, they are a known deterrent to the amateur.

New laws can help. Aetna supports, for example, the National Highway Traffic Safety Administration's recommendations to make anti-theft devices standard equipment.<sup>4</sup>

We also back the recommendations of a New York legislative committee for identification numbers on car parts most often stripped, licensing of businesses that sell or scrap cars and accurate records kept of all transactions. We urge other states to consider these ideas.

Auto theft can be cut. Auto insurance costs can be controlled. Don't underestimate your own influence. Use it, as we are trying to use ours.

## Aetna wants insurance to be affordable.

<sup>1</sup> While private passenger car registration increased 180% between 1949 and 1974, *thefts increased a whopping 493%.*

<sup>2</sup> There may be worse to come: Auto theft rings have expanded

their operations to offer auto parts—some 20% of cars they steal now wind up in the "cutting factory."

<sup>3</sup> According to a 1978 report from the New York State Senate

Committee on Transportation, 20% of stolen cars have the keys left in the ignition while another 20% have keys "hidden" by the owner on the visor or other places.

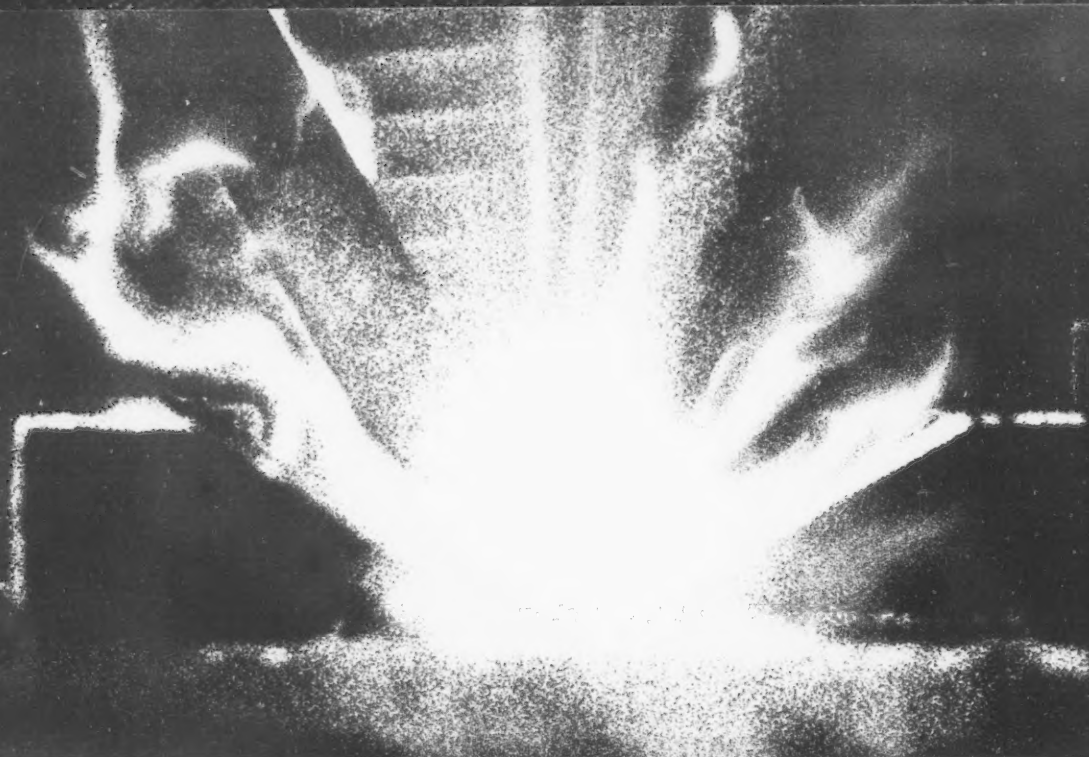
<sup>4</sup> Until anti-theft devices become

standard equipment, we urge you to have them installed before other optional equipment that makes cars more attractive to the thief.

Further information may be obtained by contacting Henry L. Savage, Jr., Public Relations, Aetna Life & Casualty, 151 Farmington Avenue, Hartford, CT. 06156. Telephone (203) 273-6545.







# The Atomic Bond.

Using tiny explosive charges, Western Electric engineers are bonding metals with the elemental "glue" of the Universe.

Here's how it works. The atoms of all metals have a natural attraction for one another. If it weren't for the ever-present film of impurities coating the surface—the oxides, nitrides, and absorbed gasses—all metal atoms would bond to each other when brought together.

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## Exploding Things Together.

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But the force of a high-intensity explosion on two adjacent metals will clean away the film of impurities. The explosion literally "blows" the impurities off the surfaces. So the atoms of the different metals can bond together.

The bond that results is stronger than both of the metals themselves.

As an industrial technique, explosive bonding has proved valuable in the manufacture of such heavyweight products as bi-metallic gun barrels.

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## Pinpoint Explosions.

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But how would explosives work in the delicate, intricate world of telephone circuitry?

Scientists at Western Electric's Engineering Research Center solved the problem by developing ways to miniaturize and control explosive bonding. Soon, they could splice the ends of two thin communications wires inside a miniature explosive-coated sleeve.

And they could repair tiny defective contacts on delicate circuit boards. These gold contacts (membrane-thin "fingers" 1/10 by 3/4 of an inch) are re clad by thin sheets of gold foil (.0005 inches thick),

coated with explosives. The repairs are literally "blown" onto the contacts, without disturbing the delicate circuitry less than 1/10 of an inch away.

Miniaturized explosive bonding is only one way we're helping your Bell Telephone Company hold down the cost of your telephone service today. For the future, it promises the benefits of bonding widely disparate metals and all sorts of other materials.

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## You Can Take It For Granted.

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Most important, explosive bonds are contributing to the clarity of communications, the reliability of switching, the taken-for-granted assurance you have when you reach for your telephone.

The atomic bond—it's another innovation from Western Electric.

*Keeping your communications system the best in the world.*



**Western Electric**

# BOOKS

## Sprinkle with crumbs and serve

### TV Guide: The First 25 Years

compiled and edited by Jay S. Harris. Simon and Schuster. 317 pp. \$14.95

"TV Guide is an extremely successful magazine." Merrill Panitt, editorial director, quickly makes this indisputable claim in his introduction to *TV Guide: The First 25 Years*, a sampler compiled by Jay S. Harris with the magazine's editors. The ratings, if you will, are clear, indeed stunning. The pocket-sized publication, constructed around television listings that are also carried "free" in newspapers, has advanced from somewhat wobbly beginnings in 1953 to a circulation today of over 20 million copies weekly, just raised in price to 35 cents each. That is success of a significant sort.

Getting beyond numbers, however, the magazine hardly lends itself to easy evaluation. Panitt writes of "intelligent, objective coverage of television as an entertainment medium and as what may be the most powerful force for change in our society." But through most of its years *TV Guide* has served up a great deal of editorial fluff, spiked occasionally with a "serious" essay on matters more weighty than the latest stars explaining why their new series aren't nearly as silly as they might appear. Celebrating and coddling the medium have clearly been preferable to dwelling on its vast wastelands of mediocrity. In fact, *TV Guide* has managed to embody a surprisingly accurate reflection of television itself—generous servings of trivia sprinkled sporadically with crumbs of substance.

In his opening essay, Panitt bestows lavish praise on the foresight

and business acumen of his boss, Walter Annenberg, the president of Triangle Publications. In 1952, Annenberg noticed that some small magazines devoted exclusively to television were posting impressive circulation figures. After Annenberg "personally spot-checked newsstands," Panitt recalls, the publisher spent "several million dollars" to acquire New York's *TV Guide*, Chicago's *TV Forecast*, and Philadelphia's *TV Digest*. The first issue of the new *TV Guide*, dated April 3, 1953, had editions in ten cities and a total circulation of 1.5 million. Advertising that first year added up to \$760,000. Ad revenue in 1977 was \$175 million, and there are now ninety-four editions in the United States. (Eight in Canada were sold when a new Canadian law made it "all but impossible for an American publisher to do business in that country.")

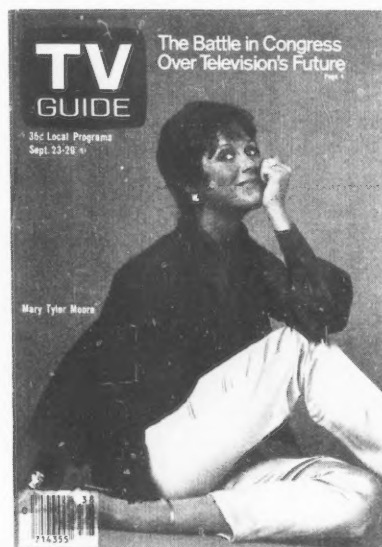
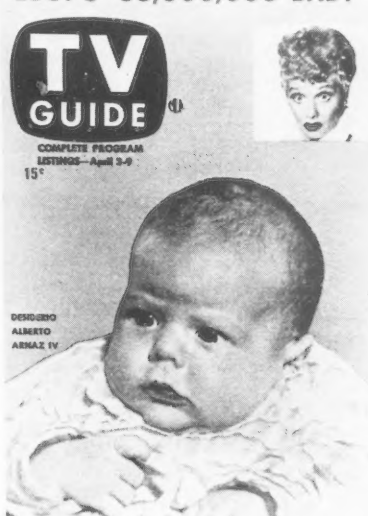
While *TV Guide* generally reflects the state of television, this anthology offers a curiously distorted reflection

of *TV Guide*. The magazine's predominantly lightweight content has been nudged aside to make room for the more sober essays that popped up now and then. Harris, the compiler, had to select about 120 pieces—some brief, several lengthy—from the more than 10,000 printed over twenty-five years, which works out to salvaging an average of slightly less than five articles per year. The skewed result is considerably more thoughtful and provocative than a reader of any ten random issues might reasonably anticipate.

The standard TV milestones are all included, even if sometimes only mentioned in passing. From the early years of local boxing arenas, roller derbies, wrestling, and Faye Emerson to the recent phenomena of *Roots*, Fred Silverman, and Farrah Fawcett-Majors, the medium's merchandise is carefully displayed, with black and white illustrations, but seldom measured against anything other than ratings. Like the in-

Since *Lucy's* baby on the first cover (1953), *TV Guide* hasn't changed much.

### LUCY'S \$50,000,000 BABY



# EXXON ILLUSTRATED

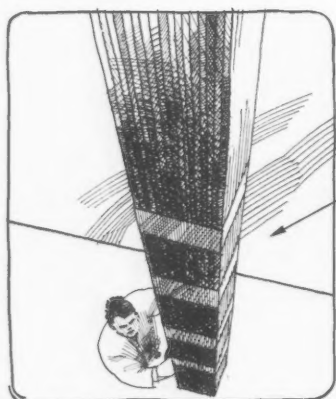
## Exxon nuclear fuel.

Nuclear fuel for generating electricity is made of uranium compressed into small pellets.

U-235 is the fissionable isotope in uranium that produces most of the energy in the pellet. It takes about 2000 pounds of uranium-bearing rock to get just  $\frac{1}{3}$  ounce of U-235.

Though less than  $\frac{1}{2}$ -inch in diameter, nuclear fuel pellets are power-packed. Each pellet contains the energy equivalent of about 100 gallons of oil.

The pellets are sealed in long metal tubes or fuel rods.



The rods are grouped together in bundles or assemblies. Each rod must be exactly positioned and spaced within the assembly.

It takes some 200 nuclear fuel assemblies to make up the core of one modern reactor.

Annual electricity production from this reactor can meet the present average electrical needs of over 750,000 American homes. If generated by fossil fuels, this

amount of electricity would require 10 million barrels of oil or 3 million tons of coal.

By 1990, nuclear fuel could provide about 30% of total U.S. electricity demand.

**Energy for a strong America.**





dustry it catalogues, the magazine is overly impressed with the magic of numbers. Often, too often, the underlying assumption is: the higher the rating, the better the product. Superbowls, World Series, Academy Awards, beauty pageants, and Olympic games are automatically objects of awe and receive generous coverage. Little or no attention—in either the magazine or the book—is paid to the quality efforts that might not get blockbuster ratings. The CBS productions of Ingmar Bergman's *The Lie* and Brian Moore's *Catholics*, for example, are ignored in the book. Public television begins to be taken seriously only in about 1971 when *Sesame Street* and the imported *The Forsyte Saga* began to generate quality waves—and it wasn't long before *TV Guide* pointed out that the public-TV ratings remained low enough not to pose a threat to network profits.

American television still is incapable of producing the uncompromisingly adult fare that its British counterpart at least occasionally turns out. There are no American equivalents in dramatic productions, for instance, of the early TV works of Ken Russell or the brilliant treatment of a bizarre character in *The Naked Civil Servant* or the incisive and witty portrait of a generation of bright young persons in *The Glittering Prizes*. For years, *TV Guide*'s reviews were written by Cleveland Amory, who was infinitely more comfortable with shows such as *Ozzie and Harriet* or *Candid Camera* ("It is, in short, the television medium used to its fullest advantage, and everybody on the regular staff . . . deserves high credit"). When *Candid Camera* is perceived as having used anything to its fullest advantage something has obviously gone rotten in the observer's critical faculties.

Some of the book's better pieces are "in house" efforts, most notably those interviews and surveys conducted by Neil Hickey or Dwight Whitney. Others were contributed to

the magazine by guest writers, including Arthur Schlesinger, the historian, whose righteousness bordered on being paternalistic: "The television industry must see its job, not as that of catering to the worst or even the average taste of its audiences, but in part as that of elevating taste. . . . It must assume responsibilities of leadership."

Some readers may find it unsettling to discover that familiar complaints about television go back at least twenty-five years. There were always warnings about the various paths the medium was taking. There were plenty of observers willing to wear the professional mantle of "conscience of the industry." The industry, however, went right ahead and did exactly what it wanted, retreating temporarily only in the face of a quiz scandal or a public outcry against violent programs. A few critics, refusing to become part of television's publicity arm, persisted in exposing the core of the problem. Consider the following paragraph:

Without at all belittling TV's virtues, its triumphs of news coverage, its operas and concerts, its ability to inform or stimulate or amuse, its serviceability to the many millions of people who use it as a food and not a drug, the glaring fact remains that TV has consistently imposed uncivilized elements on American life, or aggravated and intensified those it found there. It has helped destroy respect for privacy, it has helped foster a more rackets publicity. There has been nothing too elegant for it to coarsen, too artistic for it to vulgarize, too sacred for it to profane.

The writer was the late Louis Kronenberger, then a professor of theater arts at Brandeis, and *Time* magazine's theater critic from 1938 to 1961. The article was published in *TV Guide* in 1966.

Television, of course, is far more than the operas and concerts so warmly appreciated by Kronenberger and this writer. It is a many-headed monster, radically changing the landscape of leisure activity, popular entertainment, journalism, and even the supposedly finer arts. It is

Walter Cronkite and Mary Tyler Moore, sports and soap operas, Norman Lear and *Live From Lincoln Center*, action-adventures and Eugene O'Neill. Merely by being there, it is history, bringing into the home the Army-McCarthy hearings, the Nixon-Kennedy debates, the Kennedy funeral, the Chicago convention of 1968, space shots to the moon, and, not least, the Vietnam war.

Merely by reflecting largely the more superficial aspects of the medium, *TV Guide* has performed a function that a large chunk of the public clearly finds valuable. In the wake of Watergate, the magazine did attempt to get more serious on a weekly basis with a section called "News-watch." Annenberg, President Nixon's ambassador to the Court of St. James, where his residency was singularly undistinguished, evidently decided to explore charges of a liberal bias in television news. *TV Guide* began providing a forum for more conservative analysts, including Nixon aide Patrick Buchanan, the Archie Bunker of political ideologies. But the slightly controversial section was eventually dropped. *TV Guide*, it seems, was in danger of becoming politicized. Like the networks, Annenberg was not about to tinker with a winning formula. What you see today is likely to be what you'll get for the foreseeable future.

JOHN J. O'CONNOR

John J. O'Connor is television/radio critic for The New York Times.

## Campaign journalism: professors grade the press

**Race for the Presidency: The Media and the Nominating Process**  
edited by James David Barber. Prentice-Hall. 224 pp. \$10.95 cloth; \$4.95 paper

About three years ago in this magazine, Burns Roper suggested that the

reporting of the 1972 Democratic primary in New Hampshire—as distinguished from what really happened in it—was what launched George McGovern on his way to the presidential nomination.

This was not the first time the press had been charged in effect with stuffing the ballot box in New Hampshire. Similar comments had been made on the relative lack of attention given in 1968 to the fact that Lyndon Johnson got more votes there than Eugene McCarthy.

Nobody contended that the networks had actually made the wrong call on either of these primaries. It was a matter of giving the winner his due. As Roper put it, “The press did not play up the Muskie victory. After all, that had been expected. Instead it played up how ‘well’ McGovern had done and how ‘poorly’ Muskie had done.”

Directly or indirectly, the Roper article made a deep impression on some of the people who covered the 1976 campaign. I remember a long evening in a Boston bar with a network correspondent and another political reporter, currently with an especially influential newspaper, debating the proposed Vince Lombardi code (“winning isn’t everything—it’s the only thing”) for campaign coverage. Both, in effect, drank to the Lombardi code—swearing that in their 1976 reporting there would be only winners and losers. No consolation prizes for losing well.

Now, it would appear, despite all such earnest pledges to reform, the press in 1976 did it again—tilted the scales in a presidential nomination.

That, at least, is the theme that runs through *Race for the Presidency: The Media and the Nominating Process*. A collection of studies and commentaries on the reporting of the 1976 campaign, it was written by four political scientists: James David Barber, of Duke University, who was also the editor; F. Christopher Arterton, of Yale; Donald R. Matthews, of the University of Wash-

ington; and William E. Bicker, of the University of California at Berkeley. At least half a dozen other scholars were associated with the project. It bears the imprimatur of several distinguished foundations and of something called the American Assembly (which, in turn, bears the seal of approval of Columbia University and of a dazzling display of current and former ambassadors, cabinet members, college presidents, and businessmen of world stature). With such support and given its trendy subject, this book is not likely to be ignored and is especially likely to enjoy a long life in schools of journalism. For all that, however, it should be read warily.

If you had anything much to do with covering the 1976 campaign, the chances are you encountered one or more of Barber’s data gatherers. Together, he writes, they collected 222 taped interviews with politicians and journalists, fifteen file drawers of clippings, and more than one hundred hours of television tape.

“Groping for the journalist-politician nexus,” writes Barber (who tends to write that way), the authors of this book reproduce a fair amount of the interaction among candidates, their staffs, and the people who report on them. Readers unfamiliar with the relatively small community of journalists and politicians which is recreated every four years may well find this the most attractive feature of the book. A television producer is seen at the close of the long campaign rejoicing at the combination of careful early planning and good luck which enabled him to finish right on budget. And Gerald Rafshoon, Jimmy Carter’s man for the media, is found in a very human moment recalling a turning point in the campaign: “I got a kind of a kick in New Hampshire listening to a guy from ABC arguing with Jody [Powell] that he had been double-crossed [about an interview]. I can remember a year earlier if we could have gotten a two-minute shot on ABC, we’d have flown out of Geor-

gia, gone up there, waited in the reception area, gotten his two-minute thing and flown back.”

Much that comes out of the tape recorders makes fresh and engaging reading. But the authors of *Race for the Presidency* have more ambitious purposes for their materials. They are the basis, among other things, for an extensive review of the standard controversies about presidential campaign coverage.

Among these is the “horse-race” issue—reporters said to be paying more attention to how the candidates are doing than to what they are saying. There is media manipulation—the duping of the press into advantageous coverage by the stratagems of candidates. And, of course, there is a good deal of wrangling about New Hampshire—not just the question of defining victory there but of paying any attention at all to that odd little state just because its primary is first.

With respect to what is victory, my sometime drinking companions—not to mention Roper—may be surprised to find in this book a good deal of support for all the bad things reporters are supposed to have done in the past. Arterton writes: “A given candidate’s receiving only a bare majority of votes may well indicate weaknesses . . . in succeeding primaries; a narrow loss may demonstrate growing strength.” Bicker, for his part, cites the “narrow definition of victories and defeats” in the reporting of the 1976 primaries as having greatly aided one candidate—Carter—who kept getting credit for victories regardless of whom he was running against, what he won by, or how much real support (delegates) he had, in fact, won. And, notwithstanding all the flak over the high marks given Eugene McCarthy’s near-miss in the 1968 New Hampshire primary, Matthews apparently believes that Ronald Reagan was entitled to more of a pat on the back than he got for his near-miss in 1976.

All four authors come down hard

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## SCRIPPS-HOWARD FOUNDATION

## BOOKS

on the amount of space and air time devoted to the New Hampshire primary—a not exactly new complaint, to which the standard answer of news people is that you have to cover the campaign where it is. If candidates insist on campaigning that much in New Hampshire during January and February, you're not going to find a great deal to report in Texas or California.

Even so, the academics here make the problem seem worse than it is. Basing his comments on research done by a scholar who was not part of Barber's writing team, Matthews states: "The three national television networks presented 100 stories in the New Hampshire primary. . . . None of the other early primaries received half as much attention."

Actually, the particular study relied on here shows that the following week's Massachusetts primary did receive just about half as much television coverage. When I asked the author of that study how much of the New Hampshire air time he had clocked had been devoted to the Democratic primary alone, he had to go to his attic and dig through his notes to find out that about half of it was. Since there was no Republican primary campaign by either Ford or Reagan in Massachusetts, it appears that the Democratic primary in each state got about the same amount of coverage. That there were two primary stories in New Hampshire and only one in Massachusetts and that this had something to do with the amount of coverage seems never to have occurred to anyone engaged in these studies.

If New Hampshire troubles these writers, the manner in which "issues" were covered disturbs them even more. There had been a good deal of discussion after 1972 of that year's coverage of issues, the more popular topics being the relatively tardy examination of George McGovern's welfare plan and the failure of reporters to press Richard Nixon on any issues at all.

In the 1976 Democratic campaign, however (and that is what most of

this book is about), the end of the Vietnam war, the easing of racial tensions, combined with a deliberate trimming towards the center by both the more liberal and conservative contenders, made genuine issues very hard to find. Sometime in January the New Hampshire Democratic party chairman reviewed with disgust the virtually identical replies he had received from five primary candidates to a request for their positions on a long list of issues. He told me: "On what to do about the energy problem, all five start out with the same thing: break up the big oil companies. Then we get a little variety. One wants to set up a 'TVA-type' agency to deal with the problem. Another suggests a 'NASA-type' agency. What to do about unemployment? All five say, cut taxes and make the government the employer of last resort."

In this book, NBC's John Chancellor is quoted to essentially the same effect, saying he had never seen a campaign "so lacking in a discussion of real issues in 20 years of covering national politics." For Matthews, who quotes him, that was no excuse, however. All of the candidates, Matthews notes, had issued "position papers"—a dozen by Carter alone before the first primary. Having read a number of those position papers myself at the time, I was truly curious which issues raised in them by Carter the professor might select as having been inexcusably neglected, but Matthews does not cite an example. Indeed, nowhere in a fairly long book, which repeatedly returns to the subject of issue coverage, is there one example of a specific issue that should have been covered and wasn't.

A couple of the writers concede that in the Republican campaign—in which Ford and Reagan did articulate significant policy differences—a fair amount of attention was given to those differences. But, oddly enough, while the failure to probe deeply into McGovern's welfare plan had been sharply criticized in

1972, the probing of reporters into Ronald Reagan's plan for shifting \$90 billion in social programs to the states is not applauded but is cited instead as an instance of attempting to take the initiative in a campaign away from the candidate—something "few journalists . . . would hold up as [one of] the most shining examples of campaign journalism in 1976."

One of the more ambitious efforts in this book is to show the schemes political managers employed to get beneficial, or to deflect damaging, news coverage. But most of the examples cited are either relatively harmless (such as timing the candidate's availability on a primary night with some awareness of the structure of television broadcasts) or represent familiar ploys unlikely to mislead a reasonably experienced political reporter.

Arterton, to be sure, offers several "case histories," which purportedly show a causal relationship between media manipulator and manipulated medium. One of them deals with the six primaries of May 25. Three were in southern and border states, where Carter was expected to win easily. Three were in the West, where he was likely to lose to Frank Church or Jerry Brown. One of the states, Oregon, was the most closely contested and had thus drawn the most attention from the press. In order to deflect attention to the primaries he knew he would win, Carter, in this account, arranged to be in New York and to retire before the votes were counted in the West. As a result, Arterton writes:

Stories from the press traveling with him emphasized the southern victories and mounting delegate tallies. For example, Witcover's front page analysis in *The Washington Post* was headlined "Carter Takes 2: Southern Strength"; Apple's equivalent piece [in *The New York Times*] appeared under the heading: "Ford Tops Reagan in Kentucky Race; Carter is Victor."

Arterton concedes that deadlines on the eastern papers—and not just candidate Carter's shrewdness

"Must reading for anyone connected with the media." \*

# RICH NEWS, POOR NEWS

ALFRED I. DuPONT-COLUMBIA UNIVERSITY SURVEY OF BROADCAST JOURNALISM

by Marvin Barrett

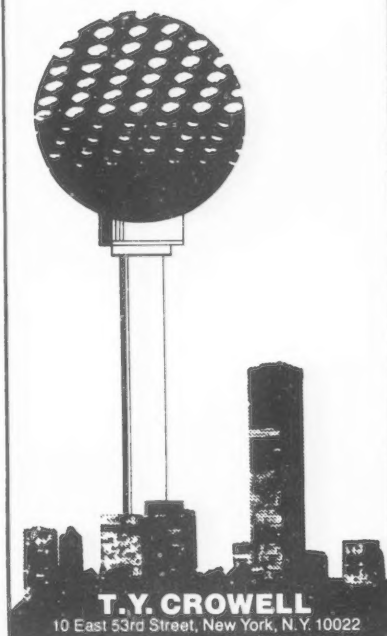
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about the media—may have had something to do with those headlines, but he cites one story in a West Coast paper that also emphasized the southern victories.

Arterton does acknowledge that “Carter’s efforts were not *totally* successful in obscuring his triple loss on the West Coast” (emphasis added). To find out just *how* far from a total success this endeavor was you would have to examine (as this book doesn’t) the press clippings from Thursday of that week—one of Carter’s worst days in the press all year long. CARTER FINDING IT DIFFICULT TO WIN UNDECIDED VOTERS was the headline over David Broder’s page-one story in *The Washington Post*. The story suggested that, as a result of what had happened on Tuesday, “Carter could not be just limping but crippled in the remaining primaries.” “Limping” was the word also chosen by Joseph Kraft in his column of that day. “In the struggle for public perception as the candidate with momentum,” wrote Jules Witcover in a quick update of the early Wednesday deadline story, “Carter has clearly given way to Church.” Similar appraisals can be found—if the professor cares to look for them—in *The New York Times*, the *Chicago Tribune* and, I dare say, other papers as well.

Nobody is perfect, neither reporters nor political scientists. Nevertheless, the unresolved contradictions within this book left this reader wondering how Barber conceived his role as editor. Matthews, for example, contends that, after the April 27 Pennsylvania primary, Carter’s nomination seemed “virtually assured,” that the “Democratic contest was in grave danger of becoming a dramaturgical bomb,” and that the ever self-serving press deliberately “overplayed” the late challenges to Carter out of a “felt need for more drama and suspense.” Meanwhile, Arterton, as we have just seen, considers it to have been of critical importance which of six primaries a month later got the most attention.

Perhaps the most disturbing fea-

ture of this book is its underlying premise (despite one pro forma denial) of an essentially monolithic “press corps.” There is almost no attempt to distinguish between good and bad work by individual reporters or news organizations. There are several references to the impact of the newsweeklies, *Time* and *Newsweek*, but did none of these scholars find any difference in the coverage by these two publications? Again, in that hundred hours of videotape surely there is the basis for something more to say about the way in which ABC, CBS, and NBC respectively covered the New Hampshire primary than that collectively they broadcast a hundred stories. (To its credit, the book does contain a fairly extended effort by one author, Bicker, to compare the different ways in which the networks employed polling in their coverage.) Many journalists believe there were qualitative differences in campaign coverage in the nation’s two leading newspapers. Maybe the scholars who produced this book would disagree with the judgments these journalists might make. But they could certainly have tried to distinguish more often than they do among the many organizations and individuals who make up their ever-sinning “press corps.”

One really has to wonder what the authors did with those fifteen file drawers of clippings when one of them (Matthews) writes:

The tone and style of presidential campaign reporting tends to be set by reporters who specialize in politics all the time—the Germonds, the Broders, the Witcovers, the Apples and their equivalents outside Washington, D.C. Political reporters tend to be fascinated by the process, the mechanics of politics. They are not particularly interested in, or knowledgeable about, policy issues.

Of the four political reporters mentioned, any reasonable amount of reading of at least three of them would flatly contradict this absurd generalization. As for David Broder

in particular, whose lobbying for issue-oriented reporting over the years has made him a bit of a scold on the subject, to describe him as “not particularly interested in, or knowledgeable about, policy issues” makes one wonder whether all that material collected by the scholars was read and viewed or merely weighed and measured.

Though all the authors hold Ph.D.s and teach political science, their book on the media and the nomination process is nevertheless further flawed by some peculiar notions about that process. Matthews, for example, exaggerates the changes in the nominating process that the press was dealing with in 1976—the most important changes had taken place, in fact, between 1968 and 1972. Again, “with few historical exceptions,” writes Barber, “the front-runner in New Hampshire has won the nomination”—apparently unaware that a clear majority of the Democratic winners, and more than a third of all the winners, have *not* won their party’s nomination. Meanwhile, Bicker, disturbed by all the “victories” declared for Carter in primaries in which he only won pluralities, declares: “It must be remembered that Carter received a minority of all the votes cast in the primaries,” apparently unaware that this was also true for Ford—not to mention Richard Nixon, John Kennedy, Dwight Eisenhower, and Franklin Roosevelt (among others) in the years they became president.

Perhaps the most numbing pronouncement of all is one that will certainly bring comfort to Jimmy Carter as he reads the opinion polls on Ted Kennedy or reflects on his recent predecessors. That is, if he can persuade himself to believe it. “The news media,” Matthews flatly asserts, “have helped create an office whose incumbent is virtually unbeatable in nominating contests.”

MARTIN PLISSNER

*Martin Plissner is political editor of CBS News.*

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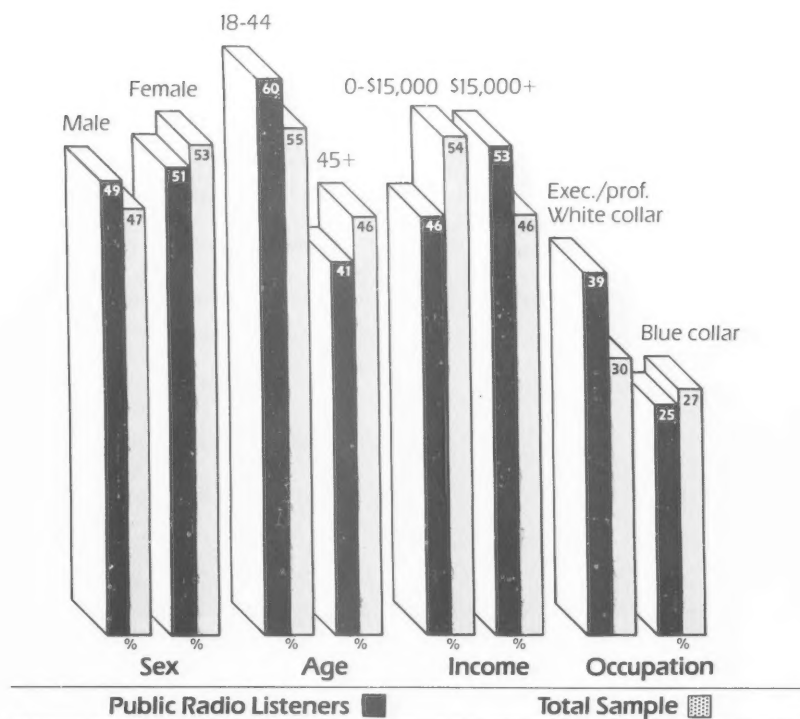
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## A journalist's history

**In Search of History:  
A Personal Adventure**

by Theodore H. White. Harper & Row.  
561 pp. \$12.95

History—that beguiling but elusive Muse—has beckoned many a journalist. Working daily in the confusion of history-in-the-making, a reporter easily succumbs to its lure of greater understanding of the events tumbling by. Always an admirer of history, Theodore H. White, one of America's leading political chroniclers, has turned from his *Making of the President* series to a reflective memoir—the making of a journalist.

White's autobiographical search for historical meaning has a compulsive quality about it. He had planned to write a twenty-year series of "hindsight textbooks" on these campaigns. His first account, in 1960, won him a Pulitzer Prize and established a new genre of political reporting. The "interior style" was an insider's account, crammed with details that recaptured the flavor and drama of the campaign. Yet White was disgusted when the Washington press corps copied and expanded his style of reporting by invading the candidates' privacy in search of

trivia. "Who [cares] if the guy had milk and Total for breakfast," White complained.

But the formulas that allowed him to crank out a book after every presidential campaign from 1960 to 1972 finally failed him; he found he was unable to write about the 1976 election. He had lost his bearings amid the changes in presidential politics. He had always believed in the greatness of America and the goodness of its leaders. His campaign studies celebrated the presidential election as an exercise of the popular will: every four years the people rose up in the fulfillment of democratic myth to bestow their power upon the proper leader. By the end of the Watergate affair, White's schoolboy faith in the myth and in heroes had been shaken by manipulation, deceit, the abuse of power, and the nation's loss of a sense of purpose. In this book, the first of two memoirs he plans to write before returning to the presidency series, White looks for the direction of history in his own career and in the way he has seen American power used—from China to Camelot.

It is the story of a Jewish Horatio Alger who emerged from a Boston ghetto into the world of the powerful. A master storyteller, White unfolds his tale with grace and move-

ment, colorful characterization, intimacy, insight, and humor. This brilliant waif who peddled newspapers on streetcars to help support his family after his father died eventually won a newsboy's scholarship to Harvard. There he fell in love with history and was on his way to becoming a professor of oriental history when he won a traveling fellowship, which landed him in war-torn China in 1938. The excitement of covering the bombing of Chungking as a stringer for *The Boston Globe* won him over to journalism. From then on he sought out the action and the by-line. He would be where history was being made—in China during World War II, in Europe during the postwar Marshall Plan years, and in the United States covering the national political scene during the administrations of Eisenhower and Kennedy.

White learned his craft at *Time* magazine, where, beginning in 1939, he was Henry Luce's correspondent in Asia. His memoir and his sense of history reflect both the best and the worst of that news magazine's reportorial style. His book is readable and entertaining, filled with colorful descriptions, vivid characterizations, and memorable anecdotes. But it is also history as personality (the "Man of the Year"). Picture portraits replace larger impersonal forces of social change. People come to life on White's pages: peppy General "Vinegar Joe" Stilwell and his nemesis, imperious Generalissimo Chiang K'ai-shek—and Madame Chiang, "a beautiful, tart and brittle woman, more American than Chinese, and mistress of every level of the American language from the verses of the hymnal to the most sophisticated bitchery."

Too often, significance is smothered in an embroidery of trivia. Mao Tse-tung nervously takes his first airplane flight. Chou En-lai plays ping-pong with his aide. Extended paragraphs deal with the hurricane that lashed Boston as young Teddy left on his worldwide adventure, with the flowers that bloom in the

Henry R. Luce (left) and Theodore White meet in Chungking in 1941.



*continued page 71*

# A message from Nursing Home Professionals.



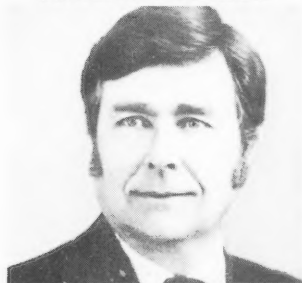
*Don L. Brewer, President*



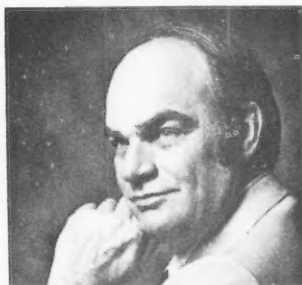
*Roger Lipitz, First Vice President*



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Immediate Past President*

Health care abuses. Profit abuses. Bureaucratic fumbings. These and other attacks leveled at nursing homes have always appeared as front page news.

When these stories appear, we are just as outraged at the shame and the scandal. We abhor the tales of unsafe facilities, inadequate diets, patient neglect.

Perhaps, unwittingly, we have built a serious communications gap. A gap between what most critics believe to be the facts and what actually are the facts related to the nursing homes in our nation today.

Nursing home care is a relatively recent development in this country. From the early community-sponsored shelters that served as poor houses, the nursing home was born. Usually a small family-run home that planted the seeds for today's modern facility.

But as human life spans continued to increase, so did the problems of aging and the care for the aged and the chronically ill. So that by the early 1950's, the need to improve conditions and facilities was critical. A major growth took place, not only aided by public awareness, but by the private investment of billions of dollars for land, construction and qualified personnel.

Suddenly, the number of long-term facilities tripled from 6,500 to 25,000.

Suddenly, from 172,000 available beds in 1953, the number of beds became 1.2 million by 1973.

Today, there are 20,000,000 Americans aged 65 and over. But, as many as 600,000 need nursing care and can't get it. Because for all the growth, for all the improvements, the number of Americans needing professional health care has skyrocketed.

Where can these people go? As fast as new, modern, professionally staffed facilities are built, just as quickly the waiting lists multiply. Many remain residents of boarding houses, independent homes, some inadequate, too many unsafe.

The incidents that have stigmatized the entire health care industry are mainly focused on those homes.

But these stories mask the progress of the vast majority of AHCA members who provide a wholesome, enriching environment for their residents. We are constantly improving both the social and physical environment; we are working to build individual dignity to its highest level; we are recruiting more qualified full-time specialists, searching for methods to train and re-train doctors and nurses in geriatric care. The nursing home profession has outgrown the county poor farm. Certainly the story of progress in health care is just as valid as the story of abuse. Let's report them both.

**ahca**

**American  
Health Care Association**

1200 15th Street N.W. Washington D.C. 20005

## Tears, death, and mourning

### Magubane's South Africa

by Peter Magubane. Alfred A. Knopf.  
118 pp. \$12.95 cloth; \$7.95 paper

"Who would ever believe," Andrew Young asks in a foreword to this book, "that a man's quest for excellence as a photojournalist would bring him 586 days of solitary confinement in prison, six months or more in jail, physical brutality, and five years' banning?" Such has been the career of the forty-six-year-old



black South African whose photographs, taken for *Drum* magazine and the *Rand Daily Mail*, make up this powerful book.

To work under such repressive circumstances, Magubane at times was desperately ingenious. When journalists were barred from one political trial, he dressed as a tribesman and concealed his camera first in a hollowed-out loaf of bread and later in a milk container. Along with his perseverance and ingenuity is the ruthlessness of an artist determined

not to allow a government, or love, or anything else to stop him from practicing his art. Made to choose between his wife and his photography, he unhesitatingly chose the latter. In a brief, laconic account of his life and career that opens the book, Magubane describes his anger at himself when shock rendered him unable to take close-ups of the grim aftermath of the Sharpeville massacre, in 1960. He writes:

From that day I made up my mind whenever I find myself in a situation like Sharpeville I shall think of my pictures first before anything. I no longer get shocked; I am a feelingless beast while taking photographs. It is only after I complete my assignment that I think of the dangers that surrounded me, the tragedies that befell my people.

Tears, death, and mourning are everywhere in *Magubane's South Africa*. Of all his photographs, none is more moving than his picture of a young student killed during the Soweto uprising of 1976. All one sees of the corpse is an outstretched hand. The body is covered with tattered newspapers, one bearing the headline WHAT WOULD YOU DIE FOR?

Magubane faithfully chronicles the spirit of resistance in South African life. The raised fists, the stony determination of imprisoned dissidents, the exhilarated faces of Soweto schoolchildren marching toward danger—these are signs of the recalcitrant spirit that Magubane skillfully captures. Though still as vulnerable as their forebears, who pitted spears against Gatling guns, South Africa's blacks continue their struggle. *Magubane's South Africa* reflects and records their monumental fortitude.

RANDALL KENNEDY

Randall Kennedy is a Rhodes Scholar at Balliol College, Oxford University.

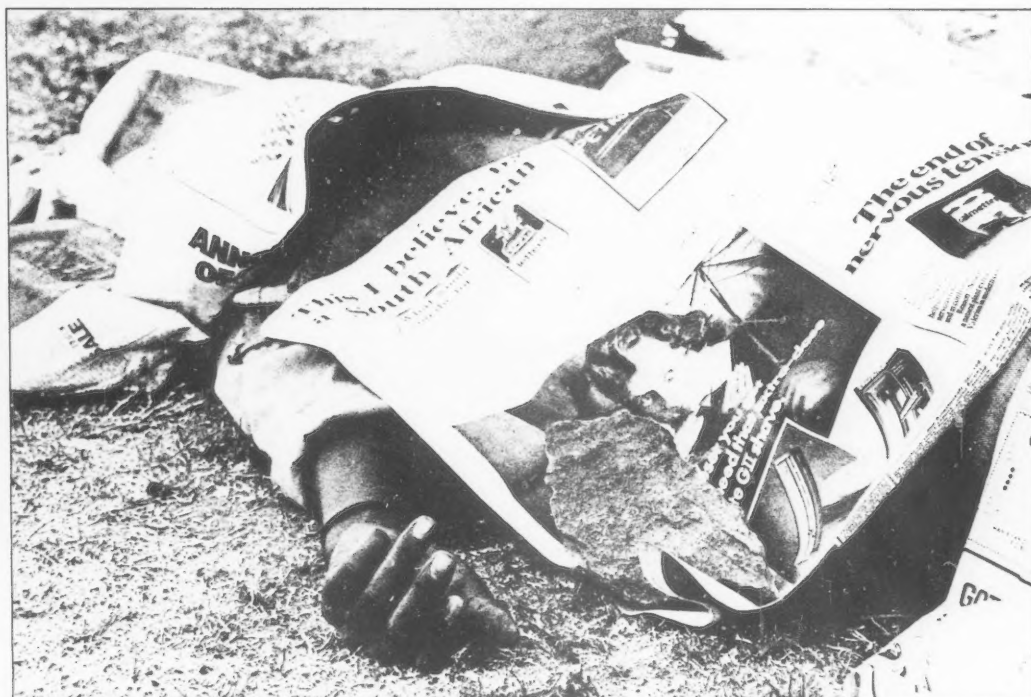


Above, the coffins of thirty victims of the Sharpeville massacre, in 1960. More than sixty people were killed. Magubane writes, "I can now see that Sharpeville was a turning point in many ways."





Left: a dubious baby travels the easy way through a happy crowd at a Transkei church celebration. Above: the grandmother of Boy Sevenpence, a famous Soweto gangster. Below: the aftermath of the Soweto uprising in 1976. (The picture of Magubane on the opposite page was taken at Soweto after a policeman had struck him. Because they covered the riots, Magubane and six other black journalists were jailed—Magubane for four months.)



**From the corner**

## **There's a difference between redlining and underwriting.**

Cities change. Society changes. The insurance business changes. A new term has been added to our insurance vocabulary—redlining. Redlining means different things to different people. Some would consider the mere existence of rating territories a form of redlining. The other extreme of the definition is that an area is selected within which no business is conducted.

The statistics around the country support Allstate's commitment to provide insurance in all sections of the large cities. Allstate started in the cities and has its roots in the Sears stores where we are visible and accessible. In the city of Los Angeles, we insure nine percent of the homes, fifteen percent in Chicago and ten percent in the city of New York. Similar percentages exist in most other cities. Literally hundreds of insurance companies are licensed in the states involved, but we insure a significant volume.

Inherent in writing business in large cities is more loss activity. So we do underwrite our business. Cities have more crime and vandalism. Older houses suffer from wiring and heating systems which become outdated. The percentage of unoccupied and boarded-up houses is higher. All of these factors are direct causes of increased claims and higher loss ratios.

The market value of some homes in the cities is decreasing or remaining steady, while

replacement costs continue to rise. This disparity of values has not stabilized and in many areas it continues to widen. The source of much of the arson today is related to the money that has been available by overinsurance.

How do we respond to these problems and what is Allstate doing to remedy the situation? We meet with community groups and listen to them. We not only listen but also relate facts regarding losses and claims to them. We discuss penetration and market availability and reinforce our pledge to serve the urban homeowners.

We have developed a new Homeowners product that is designed for this market. This policy is presently available in Illinois and will be introduced in other states. With it, you do sell a policy to cover market value rather than replacement cost. The coverage is less, but so is the premium. We are recommending that FAIR plans also offer a similar form of coverage.

The local communities need to know the factual realities of the loss problems in their communities—and that they should not impact disproportionately on policyholders in other areas. They need to be aware that the problems are not created by the insurance companies, but are the symptoms of a larger social and economic structure which is not easily changed.

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— Dave Murphy, Vice President,  
Underwriting;  
in "New Horizons," published  
for the employees of the  
Allstate Underwriting Dept.  
by the Home Office Corporate  
Relations Dept.

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spring in Chungking, and with that city's primitive method of disposing of its redolent nightsoil. Irrelevancy abounds: do we really need to know that White lost his virginity at twenty-three to a Belgian attache's Chinese mistress whom he met in a bomb shelter?

Looking back on his reporting for *Time Inc.*, White conceded that his role was that of observer not analyst. He likened himself to a sightseer. "I collected sights, sounds, personalities, famous names, episodes. . . . If there was a history that framed it all, then the editors back in New York decided what the history meant, and reporters simply supplied the raw material."

**T**here is much raw material for history in this book, but it has been neither developed nor analyzed sufficiently. White deals briefly with his clash with Henry Luce over White's contention that Chiang's government had lost the ability to rule China. But he fails to assess the dynamics of power or ethics involved in Luce's decision deliberately to misrepresent the news filed from the field. "Freedom of the press, [Luce] held, ran two ways: His reporters were free to report what they wished; but he was free to reject what they reported, or have it rewritten as he wished."

Similarly, White deplores, but does not analyze, how he himself was used by Joseph Stilwell, Chou En-lai, and John F. Kennedy. He calls them the three greatest men he met and admits that with them "I had near total suspension of disbelief or questioning judgment." Now older and wiser, he finds himself "as wary of friendship with the great as a reformed drunkard of the taste of alcohol."

Particularly poignant is White's victimization by the virulent anti-communism of the McCarthy era. Blacklisted and threatened with the loss of his passport, he decided not to write anything about China or about foreign or defense policy in order to protect his family, himself,

and his career. This "self-imposed censorship" lasted for twenty years. White grieves about it but fails to explore the larger issues it raises about the impact of McCarthyism upon the press.

White's few efforts at bold historical analysis, like *Time's*, are too often superficial. He explains his philosophy of history in catchy but simplistic terms. "History," he says, "is the intersection of impersonal forces at personality points." To White, Great Men lead the way unless hampered by Accident (his capitalization). By the Law of Unintended Consequences, power often backfires on those who exercise it.

Many historians would disagree with his characterization of Martin Luther King, Jr. as the "Lenin" of the civil-rights movement. Many would challenge his crediting John F. Kennedy with "revolutionary" initiatives in civil rights. His uncritical acceptance of the assertion by one of Kennedy's aides that the president was planning to withdraw the American troops from Vietnam after the 1964 election ignores the fact that Kennedy had never de-escalated in Vietnam and had moved further than Eisenhower ever had towards a military resolution of the American dilemma.

This book illustrates the differences and the trade-offs between journalism and history. As a reporter, White had access to the people and the events making history; his reporting has enriched the historical record. Yet White understood the limitation imposed by participation in the rush of events. As he explained of his war coverage:

The reporter must get as close to the sound of guns as possible; the closer he gets to combat and the in-tight view of battle conditions, the more useful his dispatches. If he stays at headquarters and writes of grand strategy, then he must accept the prospect that historians in years to come will write it better than he.

Historians have the advantage of the perspective of time. This allows

them to see larger trends, to obtain documents from sources unavailable to reporters, subject them to critical analysis, and fit them into a significant intellectual framework. "Years of analysis," the French medievalist Fustel de Coulanges declared a century ago, "are required for one day of synthesis."

White may not have found the historical answers he was looking for, but his memoir is a contribution to history. Anecdotes and quotes from it will no doubt soon appear in histories of the period. And years from now historians may see in this autobiography, like those of Benjamin Franklin, Henry Adams, or William Allen White, evidence of what it was like in a time, a place, and a profession. For White was not alone in his driving ambition, his dramatic rise in the world, and his belief in American myths. And these memoirs are exciting. For White was a foreign correspondent when it was the most glamorous job in journalism. He had it all: the thrill of being in on the action, of being among the first to know about important events, associating with the powerful, and gaining fame and fortune through best-selling books. Such tales are the stuff of history.

#### JOHN WHITECLAY CHAMBERS

*John Whiteclay Chambers teaches modern U.S. history at Barnard College, Columbia University, and is currently writing a book on the transformation of the ex-presidency. For eight years, he was a journalist in California.*

## What TV makes us do

### Television and Human Behavior

by George Comstock, Steven Chaffee, Natan Katzman, Maxwell McCombs, and Donald Roberts. Columbia University Press. 581pp. \$16.95 cloth; \$9.95 paper

One of Johnny Carson's best-known *Tonight Show* formulas has him reading an article to the audience



about a topic of general interest: how to live longer, cheap ways to heat your home. An admiring Ed McMahon thanks Johnny profusely, waxing more and more enthusiastic about the article, until he proclaims dramatically, "Everything in the world you'd want to know about living longer is in that article!"

"You are wrong, mortuary breath," Carson intones, and moves on to the satirical exaggeration of the article.

If McMahon were to come across this 581-page Rand Corporation report on television and human behavior; were he to realize that its attempted summary of the findings of social and behavioral scientists encompassed "more than 2500 books, articles, reports, and other documents"; were he to realize that the original one-year length of the study stretched to three; then surely he would exclaim, "Everything you could possibly want to know about the impact of television on human behavior is in this book!"

Well, you are wrong, iconoscope breath.

**T**he problem is not with the report itself. Professor George Comstock and his colleagues appear to be fair-minded, careful investigators who are usually capable of saying what they mean in a language resembling English—no small achievement for men and women who were exposed at impressionable ages to Talcott Parsons. When the evidence they are examining cannot answer an important question, they say so; at one point they assert with commendable candor that "our conclusions reflect ignorance more than knowledge."

The dilemma, rather, is the subject itself, and the achievements—or lack of them—of an army of psychologists, sociologists, statisticians, and assorted investigators who have spent three decades looking at what television does to us, and how it does it. These investigators have—with one important exception—told us virtually nothing that

common sense or a couple of good journalists might not have learned, and in some cases a lot less. Indeed, I think it fair to say, based on this report, that one of TV's principal contributions to society has been to provide gainful employment for hundreds of behavioral scientists.

Some of what has been learned about television cannot fairly be called "information" at all, except in the most literal sense. To be told, for example, that children watch on Saturday mornings, or that women control TV watching during the day, is "information" on a par with the notorious New York City-financed study of traffic some years back which discovered that traffic tended to move into Manhattan from the Bronx in the morning and back out again in the evening.

Other data—principally gathered by polling—should comfort the executives along Television Row on New York's Sixth Avenue. We learn, for example, that most people like television a lot; that, while they are slightly less enamored of it than they were a decade ago, they trust it and like it more than any other medium; that they think their children would be *worse* off without television; and that what they like least about TV is not violence or sexual innuendo or cynical plots and characters, but—commercials! Still other findings tell us what our own habits would lead us to expect: for example, that people do lots of other things, ranging from housework to light reading to eating to talking, while watching television, and sometimes we don't watch at all even when the set is on. (One study found that for fully 40 percent of the time the set was on, no one was watching.)

It is when this report looks at the Big Questions, however, that the bankruptcy of most of the investigations can fully be understood. What has seemed most fascinating about television from its inception is the nature of its power over us, both as individuals and as a society. Clearly a medium that is in almost every

home, and that occupies about 40 percent of Americans' leisure time, is a powerful instrument. A medium on which advertisers spend \$6.5 billion a year, to which every politician for major office pays major attention, has great shaping power over our lives.

But of what kind? How? Is it a narcotic or a stimulant? A mirror or a magnifying glass, or a distorted fun-house reflection? Does it teach conformity or rebellion? Does it provoke violence or provide a cathartic? With one exception—a survey on the impact of television violence on behavior—these surveys come up empty. And they do so, I make bold to say, not because the methodology was poor, but because these questions lie beyond the realm of the social and behavioral sciences.

**I**n fairness, it must be said that the report's summary of the impact of televised violence leaves little room for debate—as the Surgeon General's Report said some six years ago, there is some causal link between the viewing of violence and subsequent aggressive behavior. One can raise doubts about some of the studies, and one can certainly object to the leap of faith which insists that *all* televised violence be eliminated because of the fear that children may be watching—but there seems little doubt that television programmers are on notice that appealing to children's attention by showing acts of aggression is an enterprise fraught with danger.

Beyond this, however, the summary is a profile of a taxpayer-financed desert. We are told that "television should tentatively be considered a major agent of socialization," but there is no hint that these studies have any idea of how the process takes place. We are told, in a particularly frustrating account of TV's influence on political and product choices, that television "made us spectators for many significant political events." But no one seems (at least on the basis of this summary) to have looked at one

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Keeping rates down has been a losing battle for utilities in the 1970's. Many rural electric cooperatives had to raise rates for the first time in their existence.

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Cheaper power is possible someday. Nuclear fusion, where atoms are fused rather than split, may well be the answer . . . 50 years or so from now.

Until then we can provide ourselves with all the power we need, and keep costs within reason too, by taking some very commonsense steps. Among them:

- Practicing and promoting energy conservation.
- Developing and using to the fullest advantage all available energy potential—hydro, geothermal, solar, and especially our coal and nuclear resources.
- Sensible regulating and licensing, to cut down delays.
- Watching fuel prices closely to make sure they're fair.

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highly important fact about being a spectator: viz, spectators don't play. The steady decline in voter turnouts for presidential elections in the age of television is one of the most obvious—and important—realities of our age. It gets no attention here.

We are also told that the study of advertising's influence on consumers is made difficult by the "invisibility of advertising research"; that is, marketing experts in the pay of companies don't like to open their materials up to public scrutiny. Yet reporters untrained in the special skills of social sciences have been unearthing such stuff for years. Vance Packard, much-maligned by the academic community, got inside the market-research world more than twenty years ago; far more recently, *New Yorker* writer Thomas Whiteside used public Federal Trade Commission files to provide a chilling look at the marketing data of pet-food advertisers.

Further (and to elaborate on a point I made in the May/June Review), the studies reported on in this survey do not seem to recognize that very often "television" is indeed nothing more than a conduit of a reality that exists out there beyond the picture tube. We learn, for example, that the 1976 Ford-Carter debates did not perform the function of "agenda-setting" for the voting public. Dare I suggest that they did not because the debates were vapid, soporific, and contributed nothing to the public understanding of the campaign? We read—and here the Rand study bears the blame—that "the history of Watergate as a political scandal would appear to exemplify agenda-setting by the media" [emphasis mine]. What triggered the explosion of coverage was James McCord's letter to Judge John J. Sirica, providing the first public confirmation that a cover-up was underway.

The most disturbing part of *Television and Human Behavior* is its conclusion, which at great length tells the community of social and behav-

ioral scientists that there is massive research yet to be done; that Congress, the Federal Communications Commission, and the public are staggering through a veritable famine of information, and that "the potential for social and behavioral science in other policy-making is large." It is as if an investigating committee, looking into the collapse of a building, determined that the bricks had been made of plaster of Paris, and then provided a list of building projects where more such bricks might be sold. Sometimes, as John Kennedy might have put it, academic loyalty asks too much.

JEFF GREENFIELD

*Jeff Greenfield is a free-lance writer and former media consultant.*

## "'Why—me?' he said with difficulty"

**Stryker**

by Chuck Scarborough. Macmillan. 280 pp. \$8.95

What happens when an anchorman writes a novel? The same thing that would happen if a novelist, for fun or for money, presided over a news show: a fiasco, embarrassing to watch. Such is the effect on the reader of this Watergate thriller by an anchorman of evening news shows on WNBC-TV in New York City.

Benson Stryker was ACN News's White House correspondent until he cursed President Nixon camera after being painfully jostled in a crush of reporters pursuing Nixon for an interview. As the novel opens he has been banished to the police beat at ACN's New York City station. "A rotten stroke of luck," Stryker tells himself. Why did he lose control? "It had happened to him before, a long time ago," Stryker recalls, "in some playground of his youth when a bully had cornered him, snatching at his toy radio and earphones."

Of course there is sex: Stryker

and a mysterious psychopathic killer called the Stalker take turns coupling with lovers or victims, respectively. (Stryker, lost in postcoital musings, fancies that Kathy, a young newsroom assistant, sees him as "the glamorous figure of the media stud who had taken her so violently, so expertly, only hours before.") But then, Stryker is not quite himself during the action of this book.)

The plot has to do with the chairman of the ACN network conspiring with a sinister spook to kill President Nixon by means of the unhinged and dangerously vengeful Stryker—without Stryker's knowing that he is their agent. The plot has its ingenious moments, once the reader grants the probability of network executives trying to kill a president. That Macmillan would publish such a book indicates no more than that the subject matter is hot—especially when a "name" in the TV business can be transformed into an author.

R.C.S.

## Cockpit

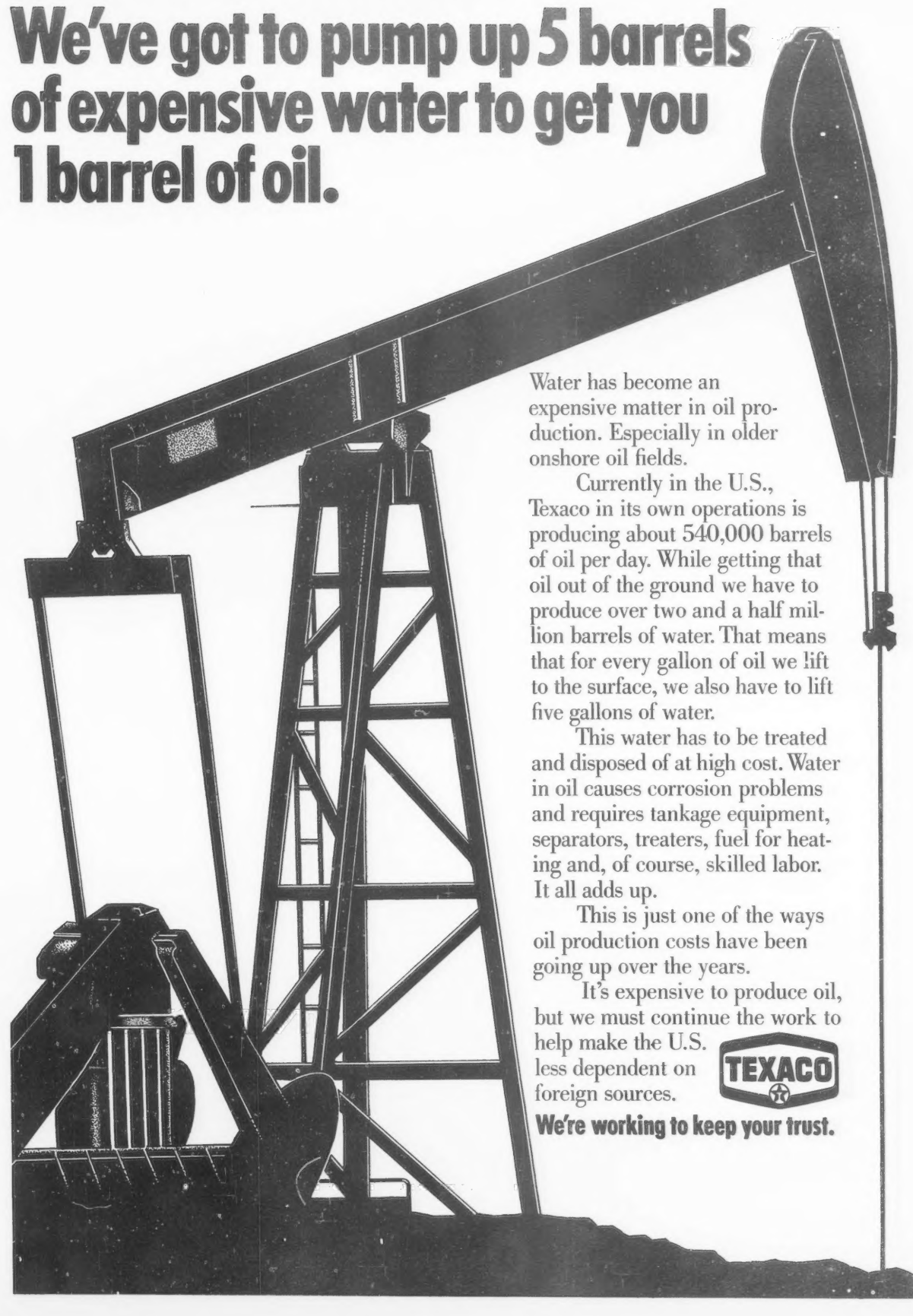
**It Sure Looks Different from the Inside**

by Ron Nessen. Playboy Press. 367 pp. \$12.95

It was with great anticipation—awe, even, to be more accurate—that I first walked into the White House press room. There, I knew, were assembled what one of the press lions of the day had proclaimed to be the "cream of the corps." They comprised those favored and talented few who daily covered the president, wherever and whenever he went, whether at home or abroad. The dream of young journalists everywhere, certainly. I was very young.

The news nerve center of the world turned out to resemble nothing more than a decorous and stuffy men's club. In the center of the room stood a large circular table, on which were piled men's hats. Around the walls were large





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# Announcing The 1978 Media Awards for Economic Understanding.

## Rewarding Excellence In Economic Reporting.

### Purpose:

For the second year, the Media Awards for Economic Understanding will recognize outstanding economic reporting directed to the general public. The program is designed to stimulate media to initiate economic reporting that is imaginative, interesting and easily understandable.

The program's continuing goal is to improve the quality and increase the quantity of economic reporting in the general media. It encourages and rewards outstanding submissions by media that effectively explain aspects of the economic system to typical audiences—in terms that have meaning for the average reader or viewer.

### Awards:

A total of \$105,000 will again be offered as awards in 14 media categories, competitively grouped according to circulation or scope of market. In each category a First Prize of \$5,000 and a Second Prize of \$2,500 will be offered. A distinguished panel of judges, appointed by the Amos Tuck School of Business Administration, selects all winners. These winners will be announced and honored at a May 22, 1979, luncheon in New York City.

### Eligibility:

Entries must be original works published, broadcast or telecast between January 1, 1978 and December 31, 1978.

### Winners in the 1977 Media Awards for Economic Understanding:

In addition to the \$5,000 First Prize winners listed below, nine Second Prizes, three Honorable Mentions and two Special Citations were awarded.

### Newspapers with circulations larger than 250,000:

Fred McGunagle, *Cleveland Press*, Cleveland, Ohio, "Cleveland—Going or Growing?"

### Newspapers with circulations of 100,000 to 250,000:

Dave Bartel, *The Wichita Eagle and Beacon*, Wichita, Kansas, "Our Energy Search"

### Newspapers with circulations of 50,000 to 100,000:

Selby McCash, *The Macon Telegraph*, Macon, Georgia, "Taxes...The Price You Pay"

### Newspapers with circulations of 10,000 to 50,000:

Calvin Gatch, *Telegraph Herald*, Dubuque, Iowa, "Agriculture: Farm to Market"

### Newspapers with circulations under 10,000:

John Riley, "Dealing in Land," and Seth Rolbein, "The Cape Nursing Home Industry," *The Register*, Yarmouth Port, Massachusetts

### Syndicates and Wire Services:

John Cunniff, *The Associated Press*, New York, New York, "Business Mirror," for overall quality in economic reporting

J.A. Livingston, *Philadelphia Inquirer*, Philadelphia, Pennsylvania, for the Field Newspaper Syndicate, "Great Britain in Adversity," for in-depth analysis of a particular subject

### Magazines:

Ken Auletta, *The New Yorker*, New York, New York, "A Reporter at Large: More for Less"

### Television Network and Nationally Distributed Programs:

Austin Hoyt/Elizabeth Deane/Gerald Lange/Bruce Shah/Janet Krause/Ben Wattenberg, *WGBH-TV*, Boston, Massachusetts, "There's No Business Like Big Business," the tenth show in the *WGBH* series "In Search of The Real America"

### Television, Markets Ranked 1 to 25:

Patrick Clawson, *KTVI-TV*, St. Louis, Missouri, "The Co-Op Conspiracy: Pyramid of Shame"

### Television, Markets Ranked 26 to 100:

Daniel Miller/John Leiendecker, *KDIN-TV*, Des Moines, Iowa, "Farm Digest: Ag Land Trust"

### Television, Markets Ranked 101 and Smaller:

Larry Makinson, *KAKM-TV*, Anchorage, Alaska, "Inside the Budget: A Taxpayer's Eye View"

### Administration:

The Amos Tuck School of Business Administration of Dartmouth College is sole and independent administrator of the Media Awards for Economic Understanding.

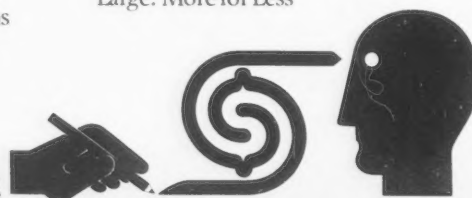
### For Entry Blank or Additional Information Write:

Program Administrator, Media Awards for Economic Understanding, Amos Tuck School of Business Administration, Dartmouth College, Hanover, New Hampshire 03755. Phone: (603) 646-2084

Media Awards for Economic Understanding is being sponsored by Champion International Corporation, Stamford, Connecticut.

Deadlines for Entries: January 8, 1979 postmark.

Media Awards for  
Economic Understanding



overstuffed leather chairs and sofas, and in them lounged the cream of the corps. Some chatted idly and quietly, and some, among them the great press names of the time, dozed lightly or, going all the way, slept soundly. The sound of snores broke the stillness now and then. In my disillusionment I quickly dubbed the place "The Sleep Emporium," and as such it remains fixed in memory.

This was during the Eisenhower administration, at a time when Allen Drury was finishing his Washington novel, *Advise and Consent*, which was to capture some of the clubby aspects of the press corps there, and when we in the news business were so naive that shock was expressed after we learned the government had not been truthful about the circumstances of a U-2 flight over Russia. It was a weather reconnaissance flight that had gone astray, not a spy mission, we were told. Great furor when it turned out the government had lied. How innocent it all seems now.

I mention this not to recall the good old days of Washington reporting, but because it is often said now that that period marked the last, and best, era of effective press-government relations. It's all been downhill ever since James Hagerty left the White House with Eisenhower. Which is nonsense, of course. Jim Hagerty may well have been the most successful of the presidential press secretaries, but the conditions he would encounter today are infinitely more complex and difficult than those he knew in that leisurely and good-natured Eisenhower White House. One briefing alone in the cantankerous press room cockpit atmosphere of today should be enough to drive any sensible person away. The press secretary's job, while never easy, has clearly become one of the most difficult and frustrating in government.

Ron Nessen's tenure as press secretary was relatively brief—and bitter. He assumed the job when press-government relations in Washington had reached their most poi-

sonous level. His predecessor, Gerald terHorst, had suddenly resigned in protest over President Ford's pardoning of Richard Nixon—who himself had resigned in disgrace only weeks before.

Nessen wasn't Ford's first choice for the job, but he was the first press secretary to come from the ranks of television. He decided to leave NBC, he says, because he was dissatisfied, despite a new assignment as that network's White House correspondent.

"I felt the one-minute or one-and-a-half minute stories I was limited to on 'The Nightly News' required so little effort that I was operating at only 10 percent of my capacity," he writes. "I was frustrated by the need to cram the most complex subjects into 100 or 500 words. It drove me up the wall to have to argue with news producers for another five seconds, another 10 words—and lose the argument." Besides, he had an itch to be a participant instead of an observer.

Nessen was an able newsman who had served with distinction on several tours of Vietnam, where he was wounded, and he had long experience at the White House, where years before he had worked as a United Press International reporter. He began his job with certain convictions and principles about the press: he couldn't be a huckster for the president's programs, he told Ford; his conception of the press secretary's job was to announce the president's decisions and explain to the press how and why the president had made them.

After only a few days in his new job Ron Nessen, reporter, had become Ron Nessen, huckster and advocate. "Your attitude sure has changed in a hurry," one White House aide told him after hearing Nessen suggest setting up a briefing to divert reporters' attention from a possibly embarrassing internal situation. As Nessen says of himself, "Asking pesky and embarrassing questions had been my job at NBC. Now such questions seemed to me

to be aggravating diversions from the message I wanted to get out on Ford's substantive activities." And, as he found out, "I was surprised by how quickly I was shifting my loyalties and my attitudes."

Nessen's is an unhappy, and unsettling, book. No one comes out well—press, president, Nessen himself. His own self-portrait is unflattering. It's of someone who relishes associating with the mighty, glories in the rarified perks of the job, and increasingly becomes pompous and petulant. At the same time, one finishes this book with respect for Nessen. He, after all, levels with us the readers, and it's he who exposes all his faults and those of the system under which he operated.

In the end Nessen comes over as a serious, thoughtful person who makes many worthwhile observations. The rancor and pettiness of the White House briefings are bad enough to handle in themselves, but the real problem, Nessen believes, is that the briefings take too much time from the search for what occurs in government. He properly felt frustrated by the oversimplification and trivialization of the news that he witnessed. He thinks his experience would make him a better reporter today, and offers this prescription:

I would try to reflect the complexities of what I now know are enormously complex issues. I would avoid depicting situations in simplistic, black and white terms. And I would resist a current trend among journalists, especially among young journalists, to skip over the basic function of telling readers and viewers what happened in order to get into more exciting speculation about backstage maneuvering, who did what to whom and what may happen in the future.

Good advice, growing out of an unhappy experience both as press observer and press spokesman.

HAYNES JOHNSON

Haynes Johnson is a columnist for The Washington Post.



# **"Minimize the cost of electricity, that's what our research is really try**

Dr. Richard Balzhiser, Director for Fossil Fuels and Advanced Systems at the Electric Power Research Institute.



Dr. Balzhiser among the array of mirrors that track the sun at U.S. Department of Energy's Sandia Labs solar thermal test facility in New Mexico.

ing to do.”

“Our principal solar research effort is to develop collectors to use solar energy concentrated by mirrors. Such systems must be in use a large part of the time to justify the large capital investment. While the sun’s energy is free, it’s only available part of the time, so we’ll need innovative storage or hybrid systems if solar electricity costs are to compete with other alternatives.

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available today, and our immediate needs must be met with better conventional plants that operate as cleanly, as reliably and as cost-effectively as we can make them.”

#### **NUCLEAR POWER**



Dr. Milton Levenson, Director for Nuclear Power at the Electric Power Research Institute.

“About 80% of our nuclear research is aimed at making nuclear power even less expensive. We’re trying to improve reliability, to extend fuel life, to protect against the cost of plant shut-downs, to make plant operations go smoother.

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# UNFINISHED BUSINESS

## Challenging words

### TO THE REVIEW:

David Armstrong's excellent article on the lively and interesting Pacific News Service (CJR, September/October) contains a line that merits comment. He writes, with obvious approval, that former P.N.S. correspondent Richard Boyle produced reports that "consistently challenged U.S. press accounts of Khmer Rouge brutality."

Imagine, a decade hence, a twenty-year-old digging into CJR files. Would he or she not think that the Khmer Rouge was unfairly maligned—but rescued from American press libels by reporter Boyle?

The mind boggles. Even Senator George McGovern, of all people, now thinks consideration should be given to a military operation to topple the present Cambodian government, whose atrocities at least match and probably surpass those of Idi Amin. In a word, the "challenge" to the U.S. press on this score is no feather in the cap of either Boyle or P.N.S.

DONALD W. KLEIN  
Department of Political Science  
Tufts University  
Medford, Mass.

### TO THE REVIEW:

How ironic to find your articles on Pacific News Service and the Pulitzer entries back-to-back in the September/October issue.

Analyzing the workings of a powerful corporation, explaining the benefits and dangers of nuclear power, or separating fact from hysteria on the issue of school desegregation would be a journalistic feat and a community service worthy of the highest accolades.

As your "muckracking" story points out, however, such an achievement would not win a Pulitzer Prize. Unless reporters receive death threats and/or public officials get arrested or bounced from office, the project has been ineffectual and submission for Pulitzer consideration, therefore, presumptuous.

Without intending to demean the im-

portant work that has been done by Anthony Dolan and reporters of like interests, I think it is tragic that college-educated people persist in equating "investigator" with "cop," and that so august a group as the Pulitzer judges measure performance by counting scalps.

DAN CARPENTER  
Indianapolis, Ind.

### TO THE REVIEW:

Pacific News Service has a way to go before it achieves that level of objectivity and research that David Armstrong finds so refreshing. For example, one of its recent offerings was a long piece on how the nuclear industry allegedly muzzles the press and Hollywood. It was written by Eleanor Smith, an editor of *Not Man Apart*, the official publication of Friends of the Earth. I don't recall that Pacific News Service bothered to identify Smith. The P.N.S. article was only marginally less lurid and non-factual than an even longer version that Smith wrote for *Not Man Apart*.

I remember another recent encounter with P.N.S., a long and quite reasonable interview by one of its reporters; the resulting article, while it did not do too much violence to the facts I had given the reporter, was nevertheless heavily skewed in favor of nuclear critics. Counting these two examples, plus the choice of arch critic Ernest Sternglass as a guest columnist on radiation, suggests P.N.S. is not the breakaway from alternative and underground press that Armstrong portrays.

CARL GOLDSTEIN  
Assistant vice-president  
Atomic Industrial Forum, Inc.  
Washington, D.C.

## Free-lance jousting

### TO THE REVIEW:

A "Chronicle" item in your September/October issue accepts without question (and apparently without even checking) Tom Mechling's version of his dispute with *The Washington Monthly* over pay-

ment of a kill fee. I represented the *Monthly* (my former employer) in this matter. The fact that Mechling smoked \$83 out of us in Small Claims Court does not "establish the principle . . . that free-lancers may be entitled to compensation for work completed but not published." Indeed the judge refused to hear the merits of the case and ordered us to settle with Mechling specifically because "Small Claims Court is no place for principles," as he put it.

The facts are these. The editors of the *Monthly* invited Mechling to their office as a favor to a mutual friend. Mechling brought in two completed manuscripts. He was told one of them might be useable if it was completely revised with substantial additional research. Mechling did a light once-over on the beginning of the piece. The rest was unchanged. He did no additional research. The *Monthly* told him no thank-you, whereupon he began pestering for a kill fee.

The same cruel economic forces that drive a struggling magazine like *The Washington Monthly* to seek free legal help from the likes of me also preclude it from paying kill fees. But no professional free-lance writer would expect a kill fee from any publication, however prosperous, when (a) the piece was not commissioned by the publication; (b) no significant amount of work was done at the publication's request; and (c) no mention was made of a kill fee in advance.

I admire the courage and stamina of free-lance writers. As an editor, I try hard to treat them with respect. This is not made easier by the unfortunate fact that serious journalists must share the designation "free-lance writer"—and the patience of editors—with a sideshow collection of kooks and pests. I urge as many of these people as possible to follow Tom Mechling's lead out of the writing trade and into the more lucrative field of petty litigation.

MICHAEL KINSLEY  
Managing editor, *The New Republic*  
Washington, D.C.

Tom Mechling replies: *One can only hope that The New Republic's accounts*



under Michael Kinsley's editorship are more accurate and complete than the above.

"Pestering for a kill fee"? Hardly. I asked The Washington Monthly's editors just once whether the publication paid kill fees as most credible publications do for using a writer's time. When editor-in-chief Peters said no, we promptly went to court.

The Kinsley/Peters poor-mouthing rationale for exploiting writers was explained anew in the most recent issue of the Washington Journalism Review, which quoted Kinsley as saying, "We pay perhaps a dozen kill-fees a year and then it's \$50, a quarter of our typical fee. We get a lot of good talent very cheaply." And the Monthly's Peters was similarly quoted: "We get better work than we pay

for." It's almost Kafka comedy to see these two allegedly liberal editors continually bemoan the underpaid, stoop-labor of the migrant farm workers, for instance, while carrying the liberal banner high on the backs of their own admittedly underpaid manipulated writers.

It may not set a precedent for other writer/editor confrontations, as lawyer/editor Kinsley insists, but it amply demonstrated why he is practicing "liberal" journalism instead of law—and just about as well.

#### No Typographical errors, please

##### TO THE REVIEW:

Perhaps before writing an article regarding a strike situation you should check

with the parties involved. Your item on the "Baltimore Quickie" in the September/October "Chronicle" section is inaccurate.

The strike began the evening—late evening—of June 7 and concluded, with employees returning to work, on the afternoon of June 10—less than four days. Further, the printers (Baltimore Typographical Union) did not cross the Guild's picket lines. There was total cooperation between the Guild and the printers during negotiations and the strike. If any printers crossed the lines they held supervisory status.

DOROTHY A. STRUZINSKI  
Administrative officer  
Washington-Baltimore  
Newspaper Guild  
Washington, D.C.

## On perceiving journalism

##### TO THE REVIEW:

Until 1970 or so, it was widely believed that a reporter's sole function was to act as a conduit between newsmakers and news consumers; if the reporter himself possessed any expertise in the subject he was covering, he kept his insights to himself, lest he appear to be taking sides. The reporter could, of course, quote both sides of a story until the cows came home, but he couldn't provide readers with any clue as to which side was telling the truth. Thus manipulative public officials were able to slant the news in their favor, and readers who sincerely wanted to know what was going on were obliged to read between the lines of their favorite newspaper.

To cite one ludicrous example, in 1970 a black activist was arrested one night in the lobby of a Chicago theater. Police said the man was drunk and disorderly and was waving a gun. The activist and the American Civil Liberties Union said he had done nothing wrong and was merely being harassed for his political activities. The Chicago papers dutifully printed both sides but made no attempts to discover what had really happened.

(In this case, the police version was correct.) When I asked one Chicago editor why his paper had failed to interview the dozens of people—including his own publisher—who had witnessed the incident, he replied, "We don't want people to think we're taking sides. . . . The truth will come out in the court proceeding."

One of the most encouraging developments of the past decade has been newspapers' increasing willingness to stick their necks out and make independent judgments. Yet in the last issue of the Review, this trend came under attack from John D. May ("Goosing the Public," September/October). May criticizes the growing use of unidentified sources or unattributed insights, as in "Bishop Abel Muzorewa, believed to have the largest following among Rhodesia's 6.7 million blacks, boycotted a government rally." May's question is, "Believed by whom?" He cites a number of examples in which news stories allude to information that is "believed," "estimated," "expected," or "perceived," but the reader is given no clue

as to whom is doing the believing, estimating, expecting, or perceiving.

Such practices, May suggests, are conducive to sloppy journalism: an irresponsible reporter can simply make up facts and claim in the story that they are "believed" or "expected," without elaborating further. There is no question that the use of such journalistic shortcut phrases can be abused. But the curious thing about May's argument is that only one of the many examples he cites is misleading to readers: a feature whose lead paragraph stated, "Jerry Brown, who's expected to become president in 1980, or 1984 at the latest. . . ." All of May's other examples are the epitome of good journalism, for they improve a reader's understanding of the situation without bogging the reader down in excessive verbiage.

The mere fact that Bishop Muzorewa boycotted a Rhodesian government rally, for example, is meaningless to most non-Rhodesians. On the other hand, to quote numerous political scientists as to the extent of the bishop's influence would be wretched excess. One of the newspaper's obligations to its readers is to make the most economic use of the reader's time. Do we really need specific authorities to tell us that Ronald Reagan

is more conservative than George McGovern or that temperatures are hotter in Nigeria than in Sweden?

May singles out for criticism an Australian newspaper story saying that Wilfred Burchett, who has written a great deal about Vietnam, "is understood to have drawn at least some of his income from North Vietnam Government sources." Observes May, "For Burchett's professional standing and for his Australian citizenship, the implications of such a charge—and it is a charge—were momentous." Maybe so. But a newspaper's first obligation is to its readers, not to its subject. Had the paper blindly passed along Burchett's description of himself as a professional journalist, it would have done its readers a gross disservice.

The trends criticized by May were in fact pioneered by *The Wall Street Journal*, which is usually cited as a model of good journalistic practice. The *Journal* has long encouraged its reporters to become experts in the fields they cover—and to share the benefits of their expertise with readers, often via the anonymous shorthand phrase, "It's understood that. . . ."

In 1969, for example, I was covering the radio-tv-appliance beat for the *Journal*. The Christmas season that year was disastrous for color TV sales, as I noted in several articles. But the following February, when Admiral Corporation announced its fourth quarter results, it blamed its poor showing solely on a strike at one of its plants. This was nonsense, as I and everyone in the industry well knew. Rather than pass such nonsense on to *Journal* readers, I substituted my own judgement for that of the company, as follows:

Admiral Corp., hurt by a drop in color television set sales and a twelve-week strike against a subsidiary, had \$2.5 million net loss in the fourth quarter ended December 28. . . . The strike, which began November 1, closed the plants of Admiral's appliance manufacturing subsidiary in Galesburg, Ill. But it's understood the sharp decline in color TV set sales was primarily to blame for the fourth quarter reversal.

Such wording was both honest and

economic—and the use of a low-key phrase like "it's understood" saved readers from the unnecessary distraction of an ego battle between Admiral and me.

Obviously, if newspapers are to insert their own analysis into news articles, the reporters and editors who do so must be responsible, intelligent, and independent. Obviously, there are some disputed matters on which varying opinions should be solicited. But on balance, the trend which May deplors is something which should be saluted: the rise of an independent press whose primary concern is the intelligent service of an intelligent audience.

DAN ROTTENBERG  
Philadelphia

*Dan Rottenberg, former managing editor of Chicago Journalism Review, is a freelance journalist based in Philadelphia.*

### Relativity theory

#### TO THE REVIEW:

Loren Ghiglione once again helps perpetuate the idea that there is a "standard 60-40 advertising-news ratio." ["Books," *CJR*, September/October]. I know a number of papers follow that ratio reasonably closely, but I know some others which carry far more advertising-to-news than that. I personally am involved in the production of three small daily newspapers and three weekly newspapers, none of which even approaches 60 percent advertising in content.

Newspapers don't run well by formulae, even one which attempts to set a profitable advertising ratio.

ROBERT W. CHANDLER  
*The Bulletin*  
Bend, Ore.

### Lippincott's baby

#### TO THE REVIEW:

With regard to Barbara J. Culliton's review of *In His Image* by David Rorvik [*CJR*, July/August], I certainly do not contest this reviewer's right to criticize

this book, its author, or indeed its publisher. This is a controversial work. Hers is not the only critical assessment of it which has appeared, but there have also been favorable reactions to Rorvik's book in serious journals and newspapers written by reviewers no less thoughtful and informed than Culliton. I do, however, take strong issue with the following passage in her review: "*In His Image* came out of the trade division in New York, which has all but said that scientific accuracy was not among its concerns. (One can only surmise that the lure of profits was what motivated Lippincott, which has not been doing too well for the past couple of years. Current operating losses are imperiling the terms of a merger with Harper & Row.) Other publishers, including Simon and Schuster, rejected *In His Image* on the ground that Rorvik refused to document his claims. Lippincott seemed not to care."

This passage contains statements which are damaging to the reputation of this company, which are factually inaccurate, and which Culliton could easily have checked before delivering her piece through the simple procedure of a telephone call to this company. Since her article allows her readers to understand that she is a person who places value upon accuracy, thoroughness, and responsibility, I fail to understand why she did not take the minimal step necessary to confirm that a passage containing such damaging allegations was supported by facts.

First, Lippincott has not said or "all but said," whatever that means, that it is not concerned with scientific accuracy. Culliton fails to draw the distinction between the commonly accepted practice involved in the publication of a scientific text and those of a first person account in the field of scientific journalism. As Robert Ubell, editor of the New York Academy of Sciences magazine, *The Sciences*, has stated, "It [this book] is a piece of journalism rather than a scientific document and the public will just have to realize that." As Culliton acknowledges in her review, Rorvik refused and continues to refuse to provide

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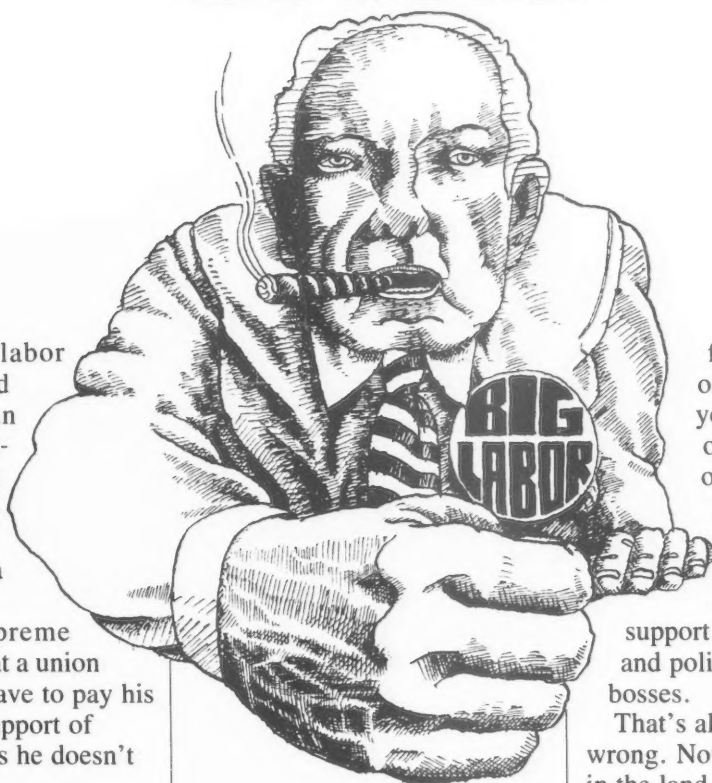
They got their ammunition from the National Right to Work Legal Defense Foundation. In 1977, the Foundation helped 600 school teachers who had been forced by their union leaders to pay political contribu-

tions or be fired.

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Fairfax, Virginia 22038



evidence to corroborate his story, claiming the right to protect his sources. Most leading geneticists, while expressing skepticism in the absence of corroborating evidence, have conceded that human cloning is at least theoretically possible. Given these circumstances it was not possible for us (nor indeed is it possible for Culliton) to determine conclusively the scientific accuracy of what Rorvik had written. Indeed Culliton herself states, "...Rorvik has quite cleverly written into his script the utter impossibility of anyone proving beyond doubt that he has made it all up." On intrinsic evidence, therefore, the book could not be dismissed with certainty as false and the author's reasons for not making it possible for us to authenticate his story are plausible.

When presented with a decision over whether this book should be published under such circumstances, Lippincott considered with great care exactly those issues which Culliton accuses us of disregarding. All responsible publishers would, I am sure, agree that a publisher should not present as truth what they know to be false. In this instance, where the truth or falsity of the work was not susceptible to proof and remains a matter of opinion, we believed that a responsible course would be to incorporate at the very opening of every book printed a statement that we did not know whether the account to follow was a true one. I believe it unfair and misleading of Culliton not to have drawn attention to this fact and instead to permit her readers to draw the opposite inference with such statements as, "...but as 'truth' it grabs our attention. As hard news it has all the elements of a first-class story. It was precisely the right ploy for getting attention and selling books."

Culliton states that "One can only surmise that the lure of profits was what motivated Lippincott. . . ." We believed that the book could be published profitably but we also believed that Rorvik's account would create widespread controversy and debate on scientific questions of immense significance. Our so-

ciety is based on an informed public. A scientific development such as human cloning should not suddenly become a reality without public knowledge of its possibilities and consequences. No one can doubt that some of the issues raised in this book have had a much wider public exposure than was the case before it appeared. Many reviewers have drawn attention to this, one of them being Culliton's colleague on *Science* magazine, Nicholas Wade, who wrote in *The New Republic*, "The technique is probably near enough to practicality that Rorvik has every right to start a debate that perhaps is overdue, even if one may quarrel with his means of provoking it."

Culliton alludes to this company's current merger negotiations with Harper & Row and ventures her opinion on the course of these negotiations. What she failed to point out, however (a point she could have easily discovered by making a brief phone call to our office), was that the adult trade division of Lippincott, which published this book, achieved a strong increase in sales in 1977, operated profitably, and had concluded a contract with Rorvik for this book months before the commencement of the Harper/Lippincott negotiations.

Finally, Culliton cites Simon & Schuster as a publisher who rejected *In His Image* on the ground that Rorvik refused to document his claims. The paperback edition of this book will be published soon by Pocket Books, the paperback division of Simon & Schuster.

EDWARD L. BURLINGAME  
Senior vice-president  
J.B. Lippincott Company  
New York

#### Insurance counterclaims

##### TO THE REVIEW:

For your "laurel" to CBS's *60 Minutes* in the July/August issue, here comes a "dart" for your failure to check out the fairness and accuracy of the segment on our associations' relationship with the Colonial Penn insurance group.

Your "laurel" speaks of CBS's "re-

vealing treatment of the curious" ties in that relationship. Nothing was "revealed" that we have not fully disclosed over the years. And the relationship is not "curious" since it is essentially the same as that of many other non-profit organizations which offer insurance as a member benefit, including the Smithsonian Institution, Boy Scouts, and American Bar Association.

Faithful to its exposé style, the segment "revealed" that the Postal Service is conducting a review of our mailing permits. It did not reveal that similar studies have been conducted every five years and our permits have been upheld. It did not reveal that the Internal Revenue Service has recently completed an exhaustive review of our operations and upheld our tax-exempt status, affirming the propriety of our relationship with Colonial Penn. The I.R.S. concluded in part: "The Associations have shown that they are not controlled by the insurance company. . . . They have documented extensive social welfare activities. . . . The Associations exist independently of Colonial Penn."

The segment used what is commonly referred to as the "empty chair device" to imply that our leaders would not go on camera because they had something to hide. Our legislative counsel did go on camera for a filmed interview that lasted about twenty-six minutes. Only a minute or two was used on the final show. Edited out of that interview was a firm declaration of our associations' long-standing support of national health insurance legislation. But included on the segment was an interview with William Hutton of the National Council of Senior Citizens with a complete distortion of that policy position.

The segment illustrated to us why *60 Minutes* is under continuing attack for distorting truth in its pursuit of its sensationalism and ratings. All too often, in our view, the show has allowed its confrontational form to abuse the function of responsible broadcast journalism. That would be a legitimate subject for a more thoughtful, thorough analysis by

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LLOYD WRIGHT  
Public relations director  
National Retired Teachers Association  
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Washington, D.C.

### Editorial trip

#### TO THE REVIEW:

Darts to *CJR* for not recognizing *New West's* special Pacific Travel Section as one conceived and produced by editor Jon Carroll and his staff ["Darts and Laurels," *CJR*, July/August]. The section included the commissioning of original art by Julian Allen.

For your information, this same section appeared in *New York*, our sister publication, for one simple reason: California ranks as the number-one travel market to the Pacific, followed closely by the New York market in importance. Since our two publications cover and reflect the attitudes and interest of people in these markets, we rightfully included this section in both magazines.

T. SWIFT LOCKARD  
Associate publisher, *New West*  
Beverly Hills, Calif.

### Legitimate birth?

#### TO THE REVIEW:

Steven Erlanger's assertion in his article "Vietnam Now" [*CJR*, July/August] that *The New York Times* "gave birth" on January 4, 1978 to the Vietnamese-Cambodian border war is patently false.

David Binder's report on the 4th could have been viewed as a "scoop" only by persons who had not read stories on the same subject by my colleague John Sharkey that appeared in *The Washington Post* on December 31, 1977 and January 1 and 2, 1978. On the same day the Binder article appeared in the *Times*, the *Post*

had a front-page story on the fighting by David Lawton, our stringer in Bangkok.

While it is possible that Mr. Erlanger did not bother to look at copies of *The Washington Post* in preparing his story, the articles of December 31 and of January 2 and 4 were transmitted to his newsroom by The Washington Post-Los Angeles Times news service. I can imagine no excuse for his oversight.

The Sharkey and Lawton stories were followed up by thorough coverage by State Department correspondent Murrey Marder. Correspondent Lewis Simons, whose name Erlanger misspelled, wrote two long and thoughtful pieces when he returned from a six-year assignment in Asia. They were published on February 5 and 6.

TERRI SHAW  
Assistant foreign editor  
*The Washington Post*

Steven Erlanger replies: *Not to overdo it, but this is what I wrote: "On January 4, 1978, The New York Times published the first reasonably comprehensive chronology and status report on the border war. . . . The Times story created a small stir—in a sense, gave birth to that puzzling war for most Americans."*

*First, comprehensiveness is a matter of judgment; second, I suspect I am not alone in feeling that the Times is more influential in its foreign reporting than the Post. That is not to say that the Post did not do a good job with the story, but that was not my point.*

*Terri Shaw's collegial indignation aside, my point was that the news was over a month old by the time it made U.S. papers. John Sharkey, too, wrote from Washington, spurred by the formal diplomatic break between Cambodia and Vietnam that he was certainly not alone in reporting—a diplomatic break caused by a war about which even readers of The Washington Post knew little. I, too, gave David Binder credit for a "scoop"—in inverted commas, not a real scoop—and the Post can claim no better.*

*Regarding Peter Braestrup's letter in the September/October issue of the Review, to which I was not given a chance*

*to reply, I am again reminded that he has made his current reputation as an historical revisionist.*

### Shipshape guidelines

#### TO THE REVIEW:

Cassandra Tate's article "Conflict of Interest: a Newspaper's Report on Itself" [*CJR*, July/August] unfairly impugns the U.S. Navy. Just as the *Lewiston Morning Tribune* and other media have tightened their standards, so have government agencies. Navy guidelines are well in tune with the public consciousness.

Ladd Hamilton's charge describing embarkation by newsmen as ploys for "buying a whole bunch of cheap publicity" is wide of the mark. It is not, nor has it ever been, Navy policy to buy publicity. We respond to requests to visit ships in the firm belief that it is the only way to experience shipboard life. A visiting reporter must provide his/her own transportation, pay his/her mess bills and other incidental costs, and experience the common inconveniences of shipboard or military life.

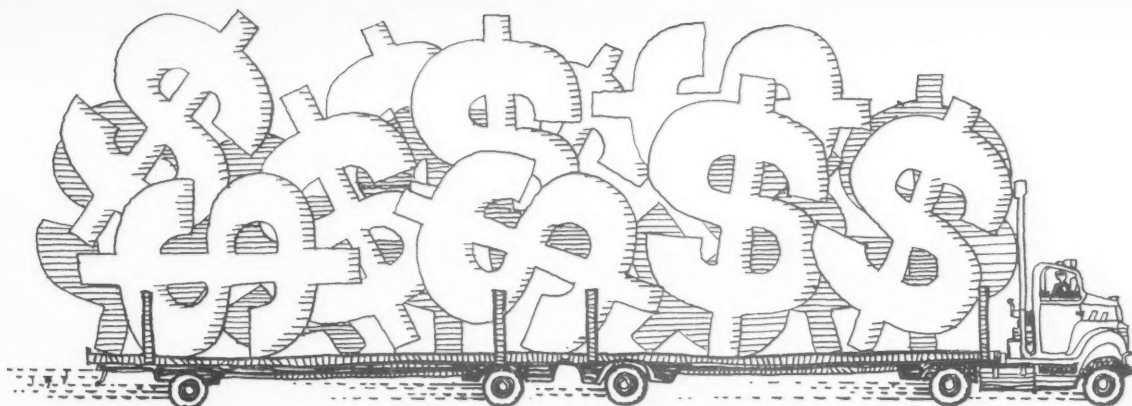
High ethics are to be admired and encouraged; so are high professional standards. The latter includes the principle that the reporter must learn his beat and know his subject. I would not want the erroneous spectre of some expected "payoff" to prevent any journalist from requesting an embark in the pursuit of a story.

DAVID M. COONEY  
Rear Admiral, U.S. Navy  
Chief of Information  
Washington, D.C.

### Where there's smoke . . .

#### TO THE REVIEW:

The reappearance of cigarette advertising in the *Review* [September/October] again raises the question whether a publication devoted to speaking out "for what is right, fair, and decent" in journalism should accept money for the promotion of the sale of a carcinogen. As readers of the *Review* know, this is not a new issue. Briefly, the question of such



## IT COSTS A LOT OF MONEY TO MAKE PEOPLE THINK

"Trucking" is an essential industry. Yet every year the ATA Foundation spends approximately \$1.5 million dollars to "explain trucking" to the public it serves. Incredible? No, not if you've seen the many **ATA** advertisements in national magazines, heard them on radio, or viewed them on TV. These advertisements, signed jointly by **ATA** members and the Foundation have been running for 25 years.

Why? Because the average citizen (who votes) and legislator (who makes laws) knows far less about the trucking industry—its aims, needs, problems and enormous importance to our economy—than they know about automobile manufacturing or farming. Yet neither of these could exist without truck service. Nor could supermarkets function, medicines reach pharmacies or building materials be delivered to the building site. Trucks carry almost *all* the products of America—from raw materials to finished merchandise—to every city, town and hamlet. Trucks carry goods, all kinds, to the people who need it.

It's unthinkable, but if all trucks stopped deliveries today—our economy would begin to collapse tomorrow.

Nevertheless, this steady and expensive advertising is necessary. Advertisements such as this one are in a sense the trucking industry's health insurance. They are run to "educate" and "inform" citizens, public officials and law-makers—so that they can think and act wisely on issues that can help or harm a sensitive industry. An uninformed, unthinking electorate could crumble one of the foundation stones that supports the highest standard of living in the world.

For example, issues like these:

### DEREGULATION

Certain advertisements explain why the trucking industry is solidly against "deregulation". It is most important that law-makers understand this. The Motor Carrier Act of 1935 was designed to protect the public interest by maintaining an orderly and reliable transportation system, by minimizing duplication of services and by reducing financial instability. It is an excellent law that does just that. "Deregulation" would mean that fleet owners would

NOT be compelled to distribute goods to small out-of-the-way towns; truck service would be spotty; vicious competition would erupt for the limited profitable routings and shipping costs elsewhere would skyrocket. Investment "capital" for trucking operation, new replacement equipment and service expansion would flee from the resulting melee.

### THE HIGHWAY TRUST FUND

Other advertisements explain why the trucking industry is one of the strongest defenders of the Highway Trust Fund. The Fund was established in 1956. It was created and designed for a specific purpose: to build the vast interstate highway system. Today—these interstate networks get you from here to there, faster and more safely. If you drive a car, you pay about \$38 a year into the Fund in user taxes. Trucks, which comprise only 18.8% of all the vehicles on the road, pay 41.8% of these taxes. Special interest groups, however, repeatedly pressure Congress to divert Highway Trust Fund money to other programs, such as rapid-transit systems for big cities. If that happens—the superb road system you are paying for will not be completed. The ATA Foundation advertisements try to make that vital point understood.

### SERVICE & SAFETY

Yet other advertisements describe the rules that trucking companies make for their drivers—rules for driving courtesy, abiding by the laws, vehicle design and handling practices to improve highway safety. Did you know that now the industry is collaborating with government agencies to find a way to control the splash and spray of big rigs on wet highways—so the truck wake does not impair the vision of following and passing drivers? This costs money too.

Monsanto has a deep respect for the trucking industry. Not only do the truckers who serve us have a commendable record for the transport of our agricultural chemicals, man-made fibers, plastics and petrochemicals (upwards of a thousand different products)—but the trucking companies are also solid corporate citizens. We are proud to be associated with such a responsive and responsible industry. And to help in making its voice heard.



**Monsanto**



A Call for Applications

## National Fellowships in the Humanities for Journalists

A non-degree, non-credit Fellowship Program with grants of \$15,000 for the nine-month academic year, plus tuition and \$550 in travel and book allowances. Completed applications due March 1, 1979.

For applications or information, write  
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C-14 Cypress Hall  
Stanford University  
Stanford, CA 94305  
(415) 497-4937

3564 LSA Building  
The University of Michigan  
Ann Arbor, MI 48109  
(313) 763-2400

Fellowship program funded by the  
National Endowment for the Humanities

## SUBSCRIPTION SERVICE

TO SUBSCRIBE, RENEW, OR CHANGE AN ADDRESS

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_

**MAIL TO** Columbia Journalism Review  
200 Alton Place  
Marion, Ohio 43302

### FOR CHANGE OF ADDRESS AND RENEWAL

Please attach  
a mailing label  
when writing  
about service  
or a  
change of address.  
Allow sixty days  
for change  
of address  
to take effect.

- ☐ New subscription
- ☐ Renewal
- ☐ Payment enclosed
- ☐ Bill me
- ☐ One year \$12 (U.S.A.)
- ☐ Three years \$27

Add \$2 a year for  
foreign subscriptions

Initial here \_\_\_\_\_

## UNFINISHED BUSINESS

advertising was submitted to an alumni advisory committee on advertising, which divided evenly. Following further discussion but no formal vote by a subcommittee, the decision to continue advertising was made by the publisher.

In a statement supporting the decision to continue to accept such advertising, the publisher noted, "The subject may prove to be academic. There is no cigarette ad in the forthcoming (January/February) issues, and there is no such advertising currently scheduled for future issues. . . ."

With the publication on the back cover of such advertising in the September/October issue, the matter is no longer academic. Indeed, the question takes us to matters that readers of the *Review* may wish to consider in this forum.

Cigarettes are a low-grade but potent carcinogen. For the victims of smoking-induced lung cancer, "there is virtually no hope of survival," writes Dr. Ronald J. Glasser in a recent book about cancer. Some 80,000 Americans die of lung cancer each year, about 80 percent of them the victims of smoking-induced cancer. The number of deaths from smoking (heart disease and other cancers) has been estimated at from 300,000 to 500,000 a year in the U.S. alone.

Cast against this toll is the argument that the *Review* is dedicated to free speech, that it has no right to "decide from which legal products to protect our readers." This defense is reminiscent of the statement of publishers in the thirties that paying newsboys a minimum wage would threaten freedom of the press. I am sure Mr. Dooley's comment does not apply here, but whenever pieties of the kind used to defend cigarette manufacturers are injected into discussions about the press I'm reminded of what Finley Peter Dunne had him say: "Th' American nation in th' Sixth Ward is a fine people. They love th' eagle on th' back iv a dollar."

We hear a great deal these days about the ethical use of the power inherent in the press. What, then, is the moral use of the advertising columns of the *Review*? To allow any and all advertisers their say? I don't think any major newspaper in the country does that. The advertising departments of newspapers are no different from the editorial sections in this respect. Every day in newsrooms and offices decisions are made about what to run in news and advertising columns. Journalism at all levels is the art of

knowing what to leave out (and condensing the rest), as Joe Herzberg put it.

But the *Review* is reluctant to make decisions. It would define morality as advertising permissiveness. It is concerned that any step it may take to exclude an advertiser could lead, ultimately, to the exclusion of "any idea that is distasteful." This grants the advertiser—that is, those who have the funds to buy space—the same right of access as the candidate of a minority party, the dissenter on the city council. Not only does it blur the line between access to the free columns of the newspaper or magazine and the paid space, it states that journalists are incapable of making judgments, of drawing lines.

Day after day, the news columns contain reports of the dangers of cigarette smoking. Yet is is somehow an exercise in morality to accept advertisements for cigarettes.

The tobacco industry asserts that it isn't interested in attracting new smokers, only in making smokers switch. This is one of the *Review's* justifications for its advertisements. (Apparently, smokers' lives are not as valuable as those of non-smokers.) Is the *Review* that sure about the effect of its advertisements? Can it really be certain that such ads do not tell non-smokers that Carltons are safe?

What is the evidence? Cigarette manufacturers have sought to reach new markets, primarily women and teenagers. In an article in the Oct. 20, 1977, *New England Journal of Medicine*, Dr. Paul D. Stolley states:

The age-adjusted death rate for lung cancer among females in the United States doubled over the short period 1965-1974, so that the secular mortality trend for females is beginning to look similar to that of males for decades earlier, for whom a steep and dramatic rise began about 1935; it continues to climb. These temporal changes in the death rate can be correlated with changing patterns of cigarette smoking.

In 1970, more young women aged 15 to 19 were self-reported regular smokers, H.E.W. reports. Dr. Stolley, who states in his article, "Attempts to seduce young adults into smoking continue," suggests that the medical community "advocate and support the renewed interest in legislation prohibiting cigarette advertising."

Clearly, most newspapers and magazines refuse advertising that is injurious to health. Yet all but a handful accept cigarette advertising. This strikes many

of us as hypocrisy, not morality. Can the *Review*, founded "to help define—or re-define—standards of honest, responsible service," join in what must seem to many readers to be opportunism?

MELVIN MENCHER  
Professor, Graduate School of Journalism  
Columbia University

The publisher replies: *The reference to the question seeming perhaps academic appeared in an internal memo and was put forward simply as an incidental observation.*

After two advisory committees failed to resolve the question raised by Professor Mencher, the publisher made the decision and publicly stated the reasons. The *Review*, like the overwhelming majority of American publications, would not presume to "protect" its readers from advertising of products whose sale is still fully legal—particularly when the ads contain a clear and prominent warning. The decision reflected a belief that *Review* readers are fully capable of making up their own minds, whether about cigarettes, alcohol, fast cars, or books we don't like.

## Real news

### TO THE REVIEW:

Judging from the review of the Center for Study of Responsive Law's "For Sale or Rent" ["Reports", *CJR*, July/August] the Center's report exemplifies the danger of drawing broad conclusions from skimpy data.

While I cannot attest to the accuracy of the Center's analysis of all forty-two papers surveyed, I am familiar with the real-estate coverage of the *Philadelphia Evening Bulletin*, a paper categorized as having published "no real estate hard news at all" during a selected week in September 1977.

While the *Bulletin*'s real-estate section does indeed run its share of the puff pieces that typify advertiser-oriented sections, *Review* readers are best advised not to take the Center's report as the final word on its coverage.

As a former editor of the *Germantown Courier*, a weekly newspaper circulated in a distressed Philadelphia neighborhood burdened with more than its share of abandoned housing, I learned that the *Bulletin*'s real-estate pages were as essential as its regular news columns for those who wanted to keep abreast of developments in urban housing.

The section has run numerous stories that hardly could be classified as "promotional pieces of developers, real estate agents, and industry associations." Those stories included:

- ☐ Continual, sophisticated coverage of the mortgage redlining issue, including a series assessing the successes and failures of the nationally publicized Philadelphia Mortgage Plan.
- ☐ Pieces on the banking industry's reluctance to grant loans for housing rehabilitation.
- ☐ A lengthy series examining the abandonment of the inner city by home-insurance carriers, and attempts to lure them back.
- ☐ Analysis of the conflict between Patricia Harris, secretary of H.U.D., and Hunter Oakley, chief of the Federal National Mortgage Association, over the latter's hesitation to pick up secondary mortgages in urban areas.

Although it's quite possible that none of these pieces appeared during the week the Center conducted its survey, they did run, and they demonstrate that the *Bulletin*'s section does not look askance at coverage of substantive issues and analysis of trends, as apparently one might conclude from reading "For Sale or Rent."

CRAIG R. MCCOY  
Staff writer  
North Penn Reporter  
Lansdale, Pa.

## The First crusade

### TO THE REVIEW:

Thank you very much for your "Comment" item entitled "Another Turn of the Screw" in the July/August issue.

A few weeks ago we filed a petition for rehearing with the Supreme Court. We must wait until the fall for the Court to make a decision on it, but no matter what is the outcome of this petition, we don't intend to give up fighting for the First and Fourth Amendments.

CRAIG DENNIS  
Editor  
The Stanford Daily  
Stanford, Calif.

## Deadline

*To be considered for publication in the January/February issue, letters to the Review should be received by November 20. Letters are subject to editing for clarity and space.*

## Want to get LESS advertising in the mail? MORE? The DMMA gives you a choice!

Who's the DMMA? We're the 1,800 member companies comprising the Direct Mail/Marketing Association. Many of the manufacturers, retailers, publishers and service companies you've come to trust most over the years are among our members.

And we think you deserve a choice, as to how much—and what kind—of advertising you receive in the mail. If you'd like to get less, mail in the top coupon. We can't stop all your mail, but you'll see a reduction in the amount of mail you receive soon.

If you'd like to receive more mail in your areas of interest—catalogs, free trial offers, merchandise and services not available anywhere else—mail the bottom coupon. Soon, you'll start to see more information and opportunities in the areas most important to you. Let's hear from you today!

### LESS mail

I want to receive less advertising mail.

Mail to: DMMA CJR  
Mail Preference Service  
6 East 43rd Street, N.Y., NY 10017

Name (print) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Please include me in the Name Removal File. I understand that you will make this file available to direct mail advertisers for the sole purpose of removing from their mailing lists the names and addresses contained therein.

Others at my address who also want less mail—or variations of my own name by which I receive mail—include:

### MORE mail

I want to receive more advertising mail.

Mail to: DMMA CJR  
Mail Preference Service  
6 East 43rd Street, N.Y., NY 10017


Name (print) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

I would like to receive more information in the mail, especially on the subjects below (circle letter):

- |                              |                                     |
|------------------------------|-------------------------------------|
| A All subjects               | M Insurance                         |
| B Autos, Parts & Accessories | N Plants, Flowers & Garden Supplies |
| C Books & Magazines          | O Photography                       |
| D Charities                  | P Real Estate                       |
| E Civic Organizations        | Q Records & Tapes                   |
| F Clothing                   | R Sewing, Needlework, Arts & Crafts |
| G Foods & Cooking            | S Sports & Camping                  |
| H Gifts                      | T Stamps & Coins                    |
| I Grocery Bargains           | U Stocks & Bonds                    |
| J Health Foods & Vitamins    | V Tools & Equipment                 |
| K HiFi & Electronics         | W Travel                            |
| L Home Furnishings           | X Office Furniture & Supplies       |



## If polio ever makes a comeback, we can all take some of the blame.

Right now, millions of our kids are not immunized against childhood's most dreaded diseases. Example: 19 million kids are at risk of becoming polio cripples.

**What happened?** In 1962, the biggest news in health care was the development of the Sabin oral vaccine for each of three poliovirus strains. In most of the world it replaced Salk vaccine, the first polio preventative (administered by injection). In 1963, after investing 16 years in polio research, Lederle Laboratories made mass immunization simple and practical by combining all three Sabin vaccines into a single oral vaccine. Soon, polio was on its way out.

Unfortunately, once the disease was under control, people stopped worrying about it—the general public, the press, the medical profession. We *all* relaxed our vigilance. So now we have work to do.

Let's work together. The drug industry has the vaccines. Physicians are ready to use them. But public health has always been a job for the community as a whole. No profession has shown more effectiveness in mobilizing community action than the news media—in the past, and right now.



(For more information on pharmaceutical research, write for our booklet "Response to Human Health Needs.")

LEDERLE LABORATORIES, A Division of American Cyanamid Co., Pearl River, New York 10965



# NATIONAL NEWS COUNCIL REPORT

## Statement on the press and the courts

Clashes between the press and the courts over issues relating to the media's freedom to fulfill their vital function of public information are multiplying in both frequency and virulence. Against this backdrop of intensifying conflict, the National News Council applauds the approval by the House of Delegates of the American Bar Association at its August convention in New York City of a revised canon on fair trial and free press. The new canon could do much to reduce the danger of future collisions in applications of the rights guaranteed by the First and Sixth Amendments. In contrast to the trend toward closing pretrial hearings, sealing records, and otherwise restricting the press in exercise of its news-gathering duty in criminal trials, the A.B.A. has put itself strongly on record in favor of openness.

"The public interest in understanding the workings of the criminal justice system is substantial," the new canon says. "Unnecessarily restrictive information policies are an obstacle to that understanding and ultimately threaten to undermine public confidence."

The stress on openness is present in every section of the canon, a profound departure from the restrictive tone of the standards endorsed by the A.B.A. in 1968. The new standards, adopted on recommendation of a special committee headed by federal judge Alfred T. Good-

*The reports of the National News Council appear in the Review as pertinent information and as a convenient reference source. Publication, which is made possible by the William and Mary Greve Foundation, does not imply approval or disapproval of the findings by the foundation or by the Review.*

*This report includes the findings issued by the Council at its meeting last September 11 and 12 in New York.*

win, bar any limit on access by the press to court proceedings or information except to the extent that such access poses a "clear and present danger" to the fairness of a trial. Even where a danger of that kind may exist, the court must satisfy itself that no alternative procedure can avert the danger without a shutoff of access.

The canon's spirit is perhaps best reflected in the total prohibition it imposes on court orders forbidding the media in criminal cases to publish information in their possession. This prohibition on prior restraint applies even if the information involves matters on which the judge has ordered court personnel, law-enforcement officials, and lawyers to maintain secrecy. In this respect the A.B.A. pronouncement seeks to remove the shadow left by the Supreme Court decision in *Nebraska Press Association v. Stuart* on whether prior restraint is permissible under certain circumstances. The new canon states categorically that "no rule of court or judicial order shall be promulgated that prohibits representatives of the news media from broadcasting or publishing any information in their possession relating to a criminal case." In a commentary accompanying the canon, the drafters explain why they opted for a clear-cut ban: "Rather than inviting courts to probe the limits of the First Amendment in this area and thereby intensifying conflicts with the press, it is preferable to close the door entirely to the alternatives of prior restraints."

The accent throughout the canon on the importance of open judicial proceedings and free access to records in criminal cases rests on Sixth Amendment values much more than it does on those sustained by the First Amendment. The stress the A.B.A. puts on that aspect of its call for maximum openness is of particular interest in the light of frequent charges that the media, in their clamor for open court proceedings, seek to put their interests ahead of all others.

"The transcendent reason for public trials," the A.B.A. commentary notes, "is to insure efficiency, competence and integrity in the overall operation of the judicial system. Thus, the defendant's willingness to waive the right to a public trial in a criminal case cannot be deci-

sive... It is just as important to the public to guard against undue favoritism or leniency as undue harshness or discrimination."

From the standpoint of the media, the one disappointment in the House of Delegates' action was the decision to delete the committee's recommendation that television, radio, and photographic coverage of criminal trials be standard whenever a judge found this could be done without upsetting courtroom decorum. The Council hopes that evaluations of experiments now under way in several states will prove sufficiently affirmative to win a favorable vote on TV and radio in courtrooms at the midwinter meeting of the A.B.A. board.

Particularly welcome in the overall stance taken by the association in the revised fair trial/free press canon is the

**'The A.B.A. has put itself  
strongly on record in favor  
of openness'**

emphasis it puts on the desirability of supplementing the basic rules laid down by the bar with voluntary agreements between the press and the courts on ways of avoiding future conflict. This echoes the belief expressed by the National News Council at its April meeting that a comprehensive new attempt to establish two-way communication between the media and the organized bar was needed in the interest of establishing a sound balance in the maintenance of First and Sixth Amendment guarantees and avoiding clashes injurious to both groups in fulfilling their indispensable obligations to the American people.

The timeliness of a new effort at press-bar consensus is underscored by the sharp divisions stirred by the Supreme Court decision in *Zurcher v. Stanford Daily* and by the current controversy over the jailing of Myron Farber, an investigative reporter for *The New York Times*. It is true that the basic issue of confidentiality in the Farber case is not directly touched by anything in the new A.B.A. canon, but the case does bring to the fore the differences in approach and

in priorities inevitable when dedicated practitioners in two quite different disciplines find themselves compelled to assign relative weights to seemingly irreconcilable constitutional commitments.

The sharp splits the Farber case has generated, not only between press and bar but within journalism itself, point up the complexity of any effort to balance out the equities where First and Sixth Amendment considerations collide. Absolutist positions on either side are hard to defend where the rights of a defendant on trial for his life must be put in the scales against the valid journalistic concern that the press's constitutionally protected freedom as an instrument of public service and enlightenment may be permanently impaired by a court-ordered breach of its ability to safeguard the confidentiality of news sources.

Many troublesome side issues have muddled public appraisal of the Farber

**'Troublesome  
side issues have muddled  
public appraisal  
of the Farber case'**

case, some of a technical nature and some relating to journalistic ethics. Vexing as many of these issues are, the National News Council considers it inexcusable for the lower courts in New Jersey to have held Farber in jail for twenty-seven days and to have subjected the *Times* to heavy fines before any definitive judgment by any court on the fundamental constitutional and statutory issues involved in Farber's refusal to turn over notes that he felt might imperil his confidential sources. It is much to the credit of the New Jersey Supreme Court, acting on motion of the state attorney general, that it did release Farber and suspend the fines pending a ruling on the merits of the contempt citation.

This Council hopes that the way is now clear for a determination by the nation's highest court on the central question in need of clarification: Does the Constitution extend to reporters and editors in the exercise of their news function total immunity with respect to protection of confidential information and sources?

To the extent that the Court majority may in the end hold that this immunity for the press is limited, the central question would move over to the scope and effectiveness of shield laws of the kind now technically in force in New Jersey

as an inhibition on penalties against the press such as those the lower courts in that state did decree against Farber and the *Times*.

Whatever the ultimate verdict on both these questions, the National News Council believes it is important to move swiftly toward creation of new machinery for press-bar cooperation in trying to make the new A.B.A. canon work in the spirit the Goodwin committee clearly intended. Such machinery could also be of value for joint discussion of questions such as those that underlie the Farber and *Stanford Daily* cases. In pursuance of its function as a guardian of the public interest in keeping the press at once free and responsible, the Council has already set forth its readiness to assist in recruiting a panel of experts in fair trial/free press matters to help find ways to assure the substitution of cooperation for the existing conflict.

No action on the Council's plan has been taken pending ratification of the new canon. Now that the canon represents official A.B.A. policy, the Council will move immediately to communicate to the association its readiness to work with leaders of the bar in creating a joint panel to help lead the way to a necessary reorientation of relationships. As the Council observed in April, neither side can pretend to be without fault in generating the animosities and mistrust that account for present tensions. The press, for its part, has certainly on occasion trespassed on the rights of accused persons to an unprejudiced trial, just as judges have at times been arbitrary in closing courtrooms or sealing records. A successful attempt at consensus now would enhance the credibility of the press and strengthen public confidence in the judicial process, thus undergirding two freedoms basic to democracy.

**Concurring:** Cooney, Huston, Isaacs, Lawson, Otwell, Pulitzer, Roberts, Salant, and Scott.

**Dissenting opinion by Mr. Rusher:** The impression is widespread that we are witnessing a judicial attack upon essential privileges and immunities conferred upon the press by the First Amendment. The truth is precisely the reverse: we are witnessing a brand-new bid by an aggressive and highly politicalized press for privileges and immunities which it has never previously had, which it neither needs nor deserves, and which it would be dangerous to confer upon it.

In the course of this statement hailing

a new canon of the American Bar Association, the Council digresses gratuitously to denounce as "inexcusable" the action of a New Jersey judge who jailed a member of the press for contempt in the exercise of discretion vested in him by law. It also suggests (quite unlike the canon) that reporters may be entitled to "total immunity" in respect of the confidentiality of their sources, regardless of the effect of such immunity on the right of every individual to a fair trial.

Yet the Council does not even address such a prickly threshold question (raised recently by Chief Justice Burger) as how one identifies the members of the "press" on whom these sweeping new powers and immunities are to be conferred. Do they include reporters for weeklies? For college and high school papers? For monthlies? Quarterlies? Annual publications? Do they include news editors? Food editors? Publishers? Columnists? Corporations that own newspapers? These questions are not even asked, let alone answered; yet we are being urged to confer on this shifting and ill-defined class privileges and immunities absolutely unique in our society.

Thoughtful friends of a free press do not seek such powers for it. Thoughtful friends of a free society would not dream of granting them.

**Dissenting opinion by Mr. Brady:** I reject the concept of according to a more or less amorphous occupational group privileges and immunities not accorded others. I concur with Mr. Rusher's dissent.

## **Witness for the prosecution: did NBC tell all?**

**Issue:** A Miami shipping agent became an F.B.I. informer and eventually became a key witness in a government case against racketeering on the docks. Was it necessary for NBC News to include details of prior criminal charges made against the man in reporting on his status as a government witness?

**Complaint:** John Scanlon, public relations counsel to Local 1814, International Longshoremen's Association, complained that two *NBC Nightly News* reports on June 8 and 12, 1978, were in-

complete and unfair in the way they portrayed the role of Joseph Teitelbaum, a Miami business agent, in a probe of racketeering on the Miami docks.

Both stories were concerned with whether the federal government would continue guarding Mr. Teitelbaum, a key government witness and F.B.I. informer, following indictment of several waterfront figures. Both reports also were concerned with the potential damage to the government's case if federal protection were withdrawn and Mr. Teitelbaum was exposed to possible harm as a result of his activities.

Mr. Scanlon said that NBC failed in both reports to mention that Mr. Teitelbaum had cooperated with the government only after he was accused of criminal activity himself. This, contended Mr. Scanlon, was an essential part of any news story on his status as a witness.

NBC's response to the complaint, prepared by Barbara Hering, senior counsel in its law department, contended that the central issue was the potential damage to the government's case if the guard for an essential witness were withdrawn.

Ms. Hering said that the government's case rested on tapes of conversations made by Mr. Teitelbaum involving him and the defendants which proved the existence of corrupt practices charged in the indictment, and not on any incriminating testimony he might offer which could possibly be impeached by "a showing of motivation to lie or bad character."

**Conclusion of the Council:** NBC reported accurately on Mr. Teitelbaum's pivotal role in the Miami investigation but the complaint turns on whether it reported adequately enough on the background of the prior charges made against him.

In essence, NBC has argued that the central issue was that there was potential danger to the government's case if protection for this essential witness were not continued. The complainant has argued that it was also relevant for NBC to have mentioned the witness's own criminal involvement.

While background concerning Mr. Teitelbaum's prior involvement in crime on the docks would have been instructive to viewers, it was not, in the Council's opinion, essential to the news story presented. The value of Mr. Teitelbaum as a witness, whether his character was correctly described or not, resided in the use of him as a plant for a recording machine. This could in no way be impeached by his own previously alleged

misconduct.

The complaint is found unwarranted.

**Concurring:** Brady, Cooney, Huston, Isaacs, Lawson, McKay, Otwell, Pulitzer, Roberts, Rusher, and Scott.

**Dissenting opinion by Mr. Lacayo:** I find fault with the majority opinion in this case because of the portrayal by NBC News of Mr. Teitelbaum and the glaring omission of this gentleman's newsworthy background. I would not be bothered so much, if NBC had not used words such as "F.B.I. operative" in describing Mr. Teitelbaum as well as the inference that everyone else connected with the story are the rascals (which they may well be). They also portrayed this "star witness" as just a businessman on the side of the law, with his family at his side placing blame on the government if harm comes to him. It is presumptuous on the part of the majority to assume that the average viewer would interpret Mr. Teitelbaum's prior unsavory involvement as merely being "instructive."

## How did CBS treat traveling salesmen?

**Issue:** CBS presented a news report concerned with a protest by traveling salesmen over proposed tax law revisions pertaining to their expenses. Was CBS News correct in adding executive "perks" to the same story?

**Complaint:** Bill Holt of Claymont, Delaware, complained that a *CBS Evening News* story on July 18, 1978, depicting a protest in Washington by salesmen complaining about the small trunk size of some new cars, and about proposed tax-law revisions which would cut expense deductions, focused unnecessarily on extravagant luxury items such as yachts, limousines, and company airplanes.

Mr. Holt argued that the subject in Washington that day was whether the federal government should take more money away from middle-class white-collar workers and give it to somebody else. "CBS News," he said, "presented it as: Traveling salesmen lobby to keep yachts and limousines."

The people doing the lobbying and protesting, he argued, were part of the

middle-class tax revolt.

CBS responded that they had made it clear why the salesmen were in Washington—"to complain about the trend to smaller cars and about attempts to cut business tax deductions."

Kay Wight, vice-president for administration of CBS News, responded to the Council that "a reading of the transcript of the 'traveling salesmen' story broadcast on the *CBS Evening News* of July 18 indicates to me that Mr. Holt misunderstood what we said.

"Our story reported that, in addition to meals, with or without martinis, and other concerns of the salesmen, a number of other business expenses are being eyed by government tax agents.

"Our story did not characterize the salesmen as wealthy or poor, or as upper, lower or middle class," Ms. Wight said in her letter to the Council.

**Conclusion of the Council:** CBS accurately stated in the lead of its story that the salesmen had come to Washington to protest the trend towards cars with smaller trunk space and to lobby against tax revisions which would limit expendi-

THE NATIONAL NEWS COUNCIL  
1 Lincoln Plaza, New York, N.Y. 10023

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tures for such things as meals. The Council rejects the complainant's contention that this should have been interpreted further as another manifestation of the middle-class tax revolt.

However, CBS also chose to piggy back onto this story about cars and meal deductions, the government's continuing review of other tax deductions, which are often characterized as "perks."

The Council believes that CBS did not make it clear that it was doing this.

It further believes that the use of visuals showing country clubs, yachts, planes, and baseball tickets was misleading under the label "traveling salesmen" used to headline this segment of the news program. This aspect of the complaint is found warranted.

**Concurring:** Brady, Cooney, Lawson, Otwell, Isaacs, Pulitzer, Rusher, and Roberts.

**Dissenting:** Scott and McKay.

**Dissenting opinion by Mr. Scott:** I find the complaint unwarranted.

While I believe that there well could be confusion resulting from the labeling of the report and the way the report telescoped a couple of items... probably to save time... I do not think this is a clear case of misleading the public, and I would vote *unwarranted*, noting only that CBS could have done a better job in handling the story... but that is their editorial and editing prerogative. The story was not well handled, but I did not find it misleading as such.

**Abstaining:** Huston.

## Statement on freedom and responsibility in international news coverage

A new effort will be made at the biennial meeting of UNESCO in Paris next month to push through a declaration on "fundamental principles governing the contribution of the mass media to strengthening peace and international understanding and to combating war propaganda, racialism, and apartheid."

The declaration represents the latest in a series of revisions of one originally presented at the 1976 UNESCO conference in Nairobi, which reflected the discontent felt in many developing countries with the quality and quantity of news disseminated about developments in their countries by the Western news services that dominate the international flow of news.

Regrettably, the current version suffers from the same fatal defect that would have made adoption of the initial Nairobi declaration a universal disservice: it makes journalistic activity subject to governmental monitorship, licensing, and control in ways that would obliterate freedom and taint the sources of information. It is true that the draft to be submitted by Director General Amadou Mahtar M'Bow of Senegal is far less blatant in this regard than was the original draft. Gone is the most objectionable feature of the 1975 Soviet draft that preceded the Nairobi proposal, its assertion that "states are responsible for the activities in the international sphere of all mass media under their jurisdiction."

But, salutary as are many of the individual modifications, the totality of the revised declaration remains freighted with menace for reporters and news agencies that stray from fidelity to the amorphous principles it proclaims and for the general public of all nations. This threat is quite explicit in a section making it "the duty of states" to facilitate the application of the declaration and "to ensure that those mass media which legally come under their authority act in conformity therewith."

The disappointing character of the present draft makes it clear that no meeting of minds on the ingredients of a general statement of principles on ways to achieve improved balance and comprehensiveness in news coverage of the third world is likely to emerge at the Paris meeting. The National News Council believes it would be wiser to defer the effort to reach consensus until UNESCO has before it the final report of the International Committee for the Study of Communications Problems, made up of experts from all parts of the world, which is addressing itself to means of improving international communications, broadening access to new technology, and raising professional standards on a global basis. Its mission is not to recommend a declaration of the kind the director general is currently proposing, but its report could provide a far firmer foundation for intelligent development of guid-

ing principles than now exists.

The sense of grievance in the third world against the cultural bias that many of its leaders feel permeates coverage by the Western agencies requires, however, that the United States and the independent representatives of the major news services come to Paris with something more than another proposal for delay. Failure to present a credible program for starting immediately on expanded technical assistance will dishearten the substantial elements among journalists and others in the developing countries who share the conviction that a climate of freedom is indispensable to any genuine improvement in journalistic practice.

It is time for all Westerners, and particularly those involved in the dissemination of news, to recognize a distinction between the power and propaganda drives that animate the Soviet bloc on this issue and the much more deep-rooted sources of dissatisfaction that underlie much of the third-world pressure.

That dissatisfaction extends beyond what many in the developing countries see as the shallowness and negativism of much present reporting on their activities. It encompasses a widely held view that the peoples of these countries are being enveloped in a new form of cultural imperialism fed by television, advertising, films and other influences. It is not necessary for the West to subscribe to the accuracy of all such complaints to be aware of their force and of the importance of movement on a broad front to mitigate the sense of injustice in ways consistent with freedom and integrity. The first opportunity will be at Paris.

Hopes had been high inside the executive branch early this summer that an interagency task force would reach full agreement well in advance of the Paris conference on a positive program as proof of United States earnestness in providing any desired assistance to the developing countries on equipment and enlarged access to communications facilities. Unfortunately, with the meeting less than six weeks off, that program is still not in place.

Among the plans under active consideration are a call by President Carter for a doubling of U.S. funds available for overseas communications aid, the launching of a new communications satellite with a share in its use guaranteed to countries that now feel themselves excluded and a broad array of technical assistance projects to supplement the few now in operation in Latin America, Africa, and Asia. The facilities of the

Happy birthday to you.  
Happy birthday to you.  
Happy birthday dear trademark.  
Happy birthday to you.



Voice of America and the International Communication Agency libraries could be helpful in such programs by making computer time available for use of data banks on a global basis. The news agencies themselves would be well-advised to speed the affirmative action programs through which they have been seeking to expand their training and employment of journalists from within the developing countries. The West as well as these developing countries would benefit from an infusion of new voices, new values, and new approaches into the free flow of international information. But none of these plans for technical assistance will be of value unless the administrative agencies in Washington, acting in coordination with the established news services and the governments of other developed nations, are in position to set them forth as clear-cut commitments at the UNESCO meeting.

The National News Council reaffirms its oft-stated recognition of the validity of many of the complaints the developing countries have about imbalances in the present flow of information. But no corrective for perceived distortions or misinterpretations will be found in censorship, suppression, or other government-mandated restraints on the press. Nor can a beneficial answer be found in the establishment of national news services operating under government ownership or control. Higher standards of professional competence and equity in access to international communications facilities are essential, but even these will avail little without the indispensable foundation of freedom and integrity on which all information systems must rest.

**Concurring:** Brady, Cooney, Huston, Isaacs, Lawson, McKay, Otwell, Pulitzer, Roberts, Rusher, Salant, and Scott.

## Two views of one survey's results

**Issue:** One magazine charges another with distortion. Did *New Times* wrench out of reasonable context the results of a survey on doctors' incomes?

**Complaint:** Peter M. Frishauf, editor of *Hospital Physician*, complained that an article appearing in the February 20,

1978, issue of *New Times*, concerning the statistics of a survey conducted by *Hospital Physician*, misled readers.

Mr. Frishauf said that the *New Times* article misrepresented the findings and conclusions of the original "Annual Wage and Education Survey," which was published in the January 1978, issue of *Hospital Physician*.

He wrote, "If there was an overall point to the survey, it was that physicians are still paying a high 'human' price to enter the profession. This point was, of course, totally ignored by *New Times*." In addition, *New Times* refused to print Mr. Frishauf's letter to the editor which he said detailed the "misrepresentations contained in the *New Times* article."

In his response to the Council, Peter W. Kaplan, senior editor of *New Times*, wrote, "We thought that with a logical interpretation of the facts in the *Hospital Physician* survey, we had given an update on a subject that Sinclair Lewis had written on in his *Arrowsmith*: the financial, prestige and power factors in the world of the doctor sometimes propels them into a stratospheric elite from which some never even consider vacationing."

**Conclusion of the Council:** The facts presented in the *New Times* article are correct. The interpretations of these facts differ in the two magazines' presentations. *Hospital Physician's* interpretation of the statistics indicates that interns and residents are overworked and underpaid. *New Times* has interpreted the same statistics to mean that these doctors-in-training have higher-than-average salaries and substantial fringe benefits.

Within the bounds of editorial judgment, a magazine is free to interpret the statistics of a survey as it sees fit so long as the meaning of those statistics is not severely distorted. The Council believes *New Times* was within the range of its editing judgment in interpreting those statistics. Therefore, the charge that *New Times* misrepresented the findings of the survey is found unwarranted.

It seems appropriate to the Council that *New Times* should have printed Mr. Frishauf's letter at least in an edited fashion. Had the letter been printed, readers might have had an opportunity to make a more accurate assessment of the survey. The Council finds this portion of the complaint warranted.

**Concurring:** Brady, Cooney, Huston, Isaacs, Lacayo, Lawson, Otwell, Pulitzer,

er, Roberts, Rusher, Salant, and Scott.

**Concurring opinion by Ms. Roberts (Mr. Brady, Ms. Huston, Mr. Isaacs, Mr. Pulitzer, Mr. Rusher and Mr. Salant concurring):** I find the complaint unwarranted as to misrepresentation by virtue of the Council's prior holding in "*Dole v. Koenigsberg*, Complaint No. 130," and wish to file the following concurring opinion:

In "*Dole v. Koenigsberg*," against *New York* magazine, we considered a similar complaint of distortion and misrepresentation. I found the complaint in that case warranted primarily because the story was not labeled opinion journalism, and therefore the one-sided version of methadone research was objectionable as misleading in my view.

In this case, we have a story in *New Times*, a magazine which heralds itself on its cover as "the feature news magazine." The section in which this story appears bears no designation which would indicate to the reader that opinion is being expressed as opposed to straight factual reporting. Arguably the style and presentation of the material convey such a message; however, I believe the public would have been better served had *New Times* clearly labeled the section where it ran this piece as commentary, opinion, or the like.

## Pro-life convention: was ABC biased?

**Issue:** A convention of anti-abortionists was held in St. Louis. To what extent was ABC News entitled to characterize the purposes of the convention and show background material which was not part of the convention itself?

**Complaint:** Ms. Julie Blonigen of Elk River, Minnesota, complained that ABC News was biased and unfair in the manner in which it presented a story on a pro-life convention in St. Louis. The story appeared on the *ABC Evening News*, on July 1, 1978.

Ms. Blonigen's complaint claimed that ABC's report showed its bias in three ways:

□ By focusing on the fact that the conventioners were learning how to influence Congressmen. Ms. Blonigen said that this was not the entire focus of the convention.





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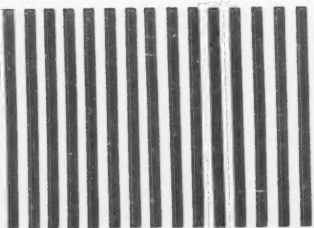
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□ By making the statement at the beginning of the report, "... Those who call themselves pro-lifers..." Ms. Blonigen said this statement alerted viewers to the fact that the reporter or the network did not like the label and would "rather that the right to life people not be associated with a pro-life stand or name."

□ By showing film footage of fires that occurred long ago at abortion clinics. Ms. Blonigen said that this told viewers that pro-life people were to be associated with these fires and with violent actions.

**Conclusion of the Council:** The Council rejects Ms. Blonigen's contention that ABC displayed bias either by stating that the persons attending the St. Louis convention were learning to influence Congressmen or by characterizing the attendees as "those who call themselves pro-lifers."

ABC never said that the workshops on how to influence lawmakers were the only forms of activity at the convention. It was clearly within their editing judgment to choose to show the workshops as part of the news report without commenting on other aspects of the meeting.

As for those attending the convention, it must be noted that the label "pro-life" is one that the anti-abortion movement has conferred upon itself. Many who support abortion feel, they, too, should rightly be characterized as pro-life and oppose the label. Therefore, the use of the phrase, "those who call themselves pro-lifers" was an acceptable one to describe convention attendees.

It was also a matter for ABC News's judgment to refer to fires and sit-ins at abortion clinics and to show film of such occurrences as part of the report. But condensing and combining material for TV news reports is difficult and calls for extreme care and special skill. As occasionally happens, this report included an awkward transition—from the protests and violence to the convention itself. This is what the reporter said:

These are some of the thousands of people who call themselves pro-lifers. They've been unhappy since 1973 when the Supreme Court ruled that abortions are legal. They've spent the last five years trying to stop abortions. In several cities abortion clinics have been set on fire. Pro-lifers have been suspected. Some pro-lifers have staged sit-ins and blockades at abortion clinics. Many have been arrested. They told their fellow pro-lifers that nonviolent action must go on.

The Council rejects the complainant's contention that this portion of the report displayed bias.

**Concurring:** Cooney, Huston, Isaacs, Otwell, Pulitzer, Salant, and Scott.

**Concurring opinion by Ms. Huston (Mr. Isaacs concurring):** I concur with the concern Mr. Lawson expresses in his dissent, but I do not concur with his opinion that the complaint is warranted. For the record, I'd like to reiterate the statement, approved by the Council, April 25, 1978, in its "Preface to Complaints on Abortion Coverage." The statement:

All branches of communications are under heavy pressure to report the abortion issue to the satisfaction of one side or another. Obviously it is not the journalistic function to seek to satisfy in news coverage proponents or opponents on any important issue. The role of the press is to report fairly.

**Dissenting opinion by Mr. Lawson (Ms. Roberts and Mr. McKay concurring):** During the 1960s, the King movement often received the same kind of confusing treatment by television news. Pictures of violence, often unconnected with the nonviolent demonstrations were shown in the same news story that covered the movement's activity. A public impression developed that the nonviolent movement actually was not nonviolent and that Dr. King fomented and encouraged violence.

I find this story by ABC of the pro-life convention a close parallel to what I frequently saw in the 1960s. The national news agency must take great pains to make it clear that it is not connecting the burning of abortion clinics with the purposes of the convention. I believe ABC failed. I would find this facet of the complaint warranted.

**Dissenting:** Brady, Lawson, Lacayo, McKay, Roberts, and Rusher.

**Dissenting opinion by Mr. Rusher and Mr. Brady:** We concur in Mr. Lawson's dissent, insofar as it would hold the complaint warranted.

## The case of the 'missed' story

**Issue:** Did *The Boston Globe* "miss" or "suppress" a report of an investigation of Boston University's admission practices?

**Complaint:** At its June 1978 meeting, The Council found unwarranted a complaint by Stephen Kohn, an editor of the *bu ex-*

*posure*, that *The Boston Globe* had suppressed a story concerning allegations that President John Silber of Boston University had made statements about the selling of admissions to the B.U. medical and law schools.

One aspect of the complaint was left open for further Council study. It concerned the subsequent failure of the *Globe* to run a story about the announcement of a planned investigation by the Department of Health, Education and Welfare into the admissions practices of several colleges and universities, B.U. among them.

In response to a Council query, Charles Whipple, ombudsman for the

**'It is clear by the paper's own admission, that the *Globe* missed the story'**

*Globe*, said that nothing on the matter appeared in the *Globe*, because none of the paper's news executives saw a *New York Times* story on May 11, 1978, dealing with the H.E.W. announcement.

Mr. Kohn had cited *The New York Times* story as the basis for his complaint that the announcement of the H.E.W. probe had been suppressed by the *Globe*. B.U. was mentioned only once in that story: in the last of the article's twenty-nine paragraphs.

Whipple wrote the Council: "My guess would be that the HEW probe is a pro forma result of the *bu exposure* story which received wide publicity.... When and if there is a finding by HEW on it, I'm pretty damned sure we'll have a story on it, if we know about it."

H.E.W. informed the Council that the investigation will not begin until October of 1978, and that its focus will be the general effects of donations from parents of students upon the admission processes of all medical schools, rather than a specific inquiry into the alleged indiscretions at Boston University.

**Conclusion of the Council:** Evidence before the National News Council is insufficient to support the charge that the *Globe* suppressed the announcement of the forthcoming H.E.W. study. It is clear by the paper's own admission that at the very least the *Globe* missed the story. The story about results of the H.E.W. probe has not yet been told, simply because the study has not yet begun. It remains to be seen what that



study reveals regarding Boston University and how the Boston media respond to those results when they are available.

**Concurring:** Brady, Cooney, Isaacs, McKay, Otwell, Pulitzer, Rusher, Salant, and Scott

**Abstaining:** Roberts (concurred in dissent filed by Huston and Lawson)

**Dissenting opinion by Ms. Huston (Mr. Lawson concurring).** Too many questions remain unanswered for me, as a reporter, to accept the *Globe's* explanation that it simply missed the story of an H.E.W. investigation into alleged selling of admissions to Boston University's Medical School.

Journalists, in their codes of ethics, oftentimes pledge in lofty language that they would not allow themselves to be involved in anything that might even look like a possible conflict of interest. The appearance of a conflict of interest is enough to erode public confidence in the press, these journalists say.

Frequently, in news columns, broadcasts, and telecasts, journalists hold a strict moral yardstick to others—private and public, institutions and individuals. Journalists and their institutions ought to be able to measure up to any standards they use for measuring others.

Is *The Boston Globe* measuring up to this standard?

Other papers have carried different stories about the alleged admissions scandal than *The Boston Globe*. Another paper told of the H.E.W. investigation into the matter, but the *Boston Globe* didn't because, its ombudsman explained, none of the *Globe's* executives saw the *New York Times* article about the H.E.W. investigation.

"When and if there is a finding by H.E.W. on it, I'm pretty damned sure we'll have a story on it, if we know about it," the ombudsman told the Council.

That isn't good enough.

It's a matter of appearances.

It appears that the *Globe* and the university may have high level ties.

If such ties exist, a newspaper has a great burden to show that the ties do not influence news judgment, in other words, that the newspaper doesn't "go soft" in that sphere of reporting.

The complainant charged that suppression resulted from pressure on the *Globe* from university lawyers and from Gerhard Bleicken, vice-chairman of the university's trustees and chairman and chief executive officer of the John Han-

cock Mutual Life Insurance Company, which is based in Boston.

The *Globe's* ombudsman confirmed to the News Council that money to construct the *Globe's* plant was loaned by the Hancock insurance company, but he could not immediately confirm whether the insurance company or its high officials also owned stock in the newspaper. Possible links such as this oftentimes lead reporters to trails of conflicts of interest—in places other than their own news organizations.

## For a reversal by the Supreme Court on newspaper search and seizure

*A statement by Irving Dilliard, adviser, September 12, 1978, presented as a personal concurring statement and supplement to the "Statement on Search and Seizure" adopted by the National News Council on June 27.*

The Supreme Court decision in *Zurcher v. Stanford Daily* (May 30), which narrowly approved a surprise police raid conducted on an ex parte warrant on a newspaper office, was vigorously opposed by the National News Council on June 27. Ten Council members joined in the statement of protest. Two members dissented, primarily on the grounds that the press, in their opinion, does not enjoy special constitutional privileges and that to accord these to the news media starts them and the News Council "on a new and fateful course."

Had I attended the June 26-27 meeting I would have proposed making the strong Council disapproval even stronger. Since I could not be present due to eye surgery, I now ask the News Council please to issue this statement of mine and to circulate it with the actions of the current meeting. I request this as a charter member of the Council and one of its three official incorporators, now on adviser status after four years as a public member.

Our nation's Constitution declares that "Congress shall make no law abridging the freedom of the press." The

same Constitution protects the press from invasion by the states. I know of only one way to read these guarantees. They were provided and still are designed to establish and maintain the press in a special place, not granted to any other institution.

To me, the historic reason is equally plain. The Founding Fathers protected the press from control by government, for lacking this active vigilance by uninhibited editors, the United States of America could become a dictatorship as in the Old World. The Founders recognized a free press as the people's basic safeguard.

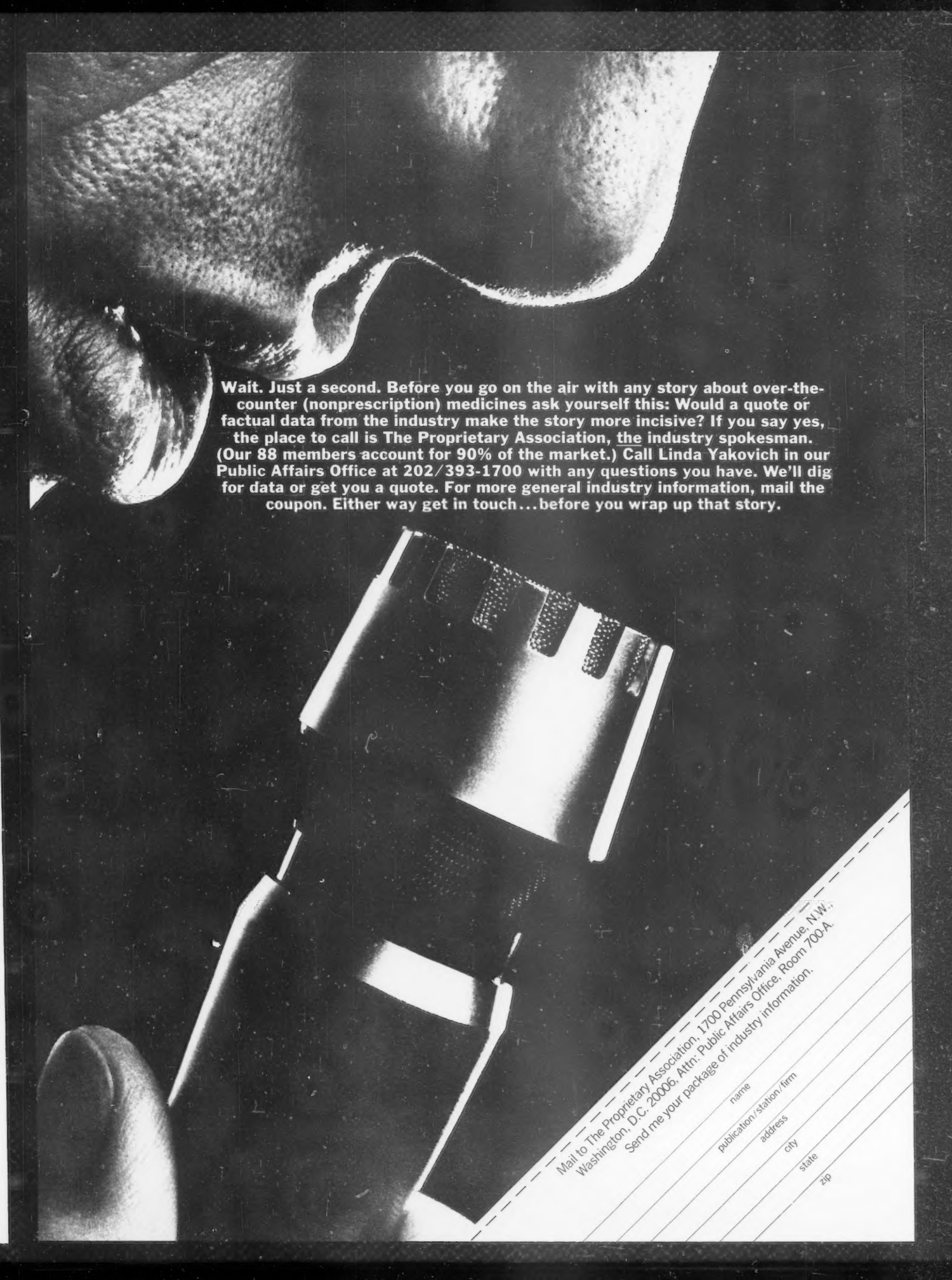
I have been following the Supreme Court's Bill of Rights decisions for more than fifty years. In all that time I know of no decision that is more in step with police state conduct than this one. I would expect such unannounced police raids in a communist or fascist regime. They have no place in our constitutional democracy or our system of justice.

Although we may applaud the immediate reaction against this decision within Congress, we may properly call on the Supreme Court to correct its mistake. It has reversed itself frankly and completely in the past, when convinced of error, as the Supreme Court's own record amply demonstrates. With all due respect, let it do so again.

This decision was by the narrow margin of 5 to 3 (White, Burger, Blackmun, Powell, and Rehnquist versus Stewart, Marshall, and Stevens.) Justice Brennan, staunchest of libertarians in countless Bill of Rights tests, was unable to participate. A ruling that allows unannounced police to ransack newspaper files and to seize what suits their fancy—and presumably to do the same to private records elsewhere—would be wrong even if it were handed down unanimously. It cannot and should not stand by a hairline edge.

The issue before us will rise again. As soon as it does, the invaded victim should do what *The Stanford Daily* did so courageously. It should take its case to the Supreme Court for the earliest possible review and outright reversal before still more damage is done to American liberty. Until then, all aspects of the news media, from the smallest local weeklies to the largest television networks, face the danger of governmental intimidation and attempted control.

**Concurring:** Cooney, Huston, Isaacs, Lawson, Otwell, Pulitzer, Roberts, Salant, and Scott.



Wait. Just a second. Before you go on the air with any story about over-the-counter (nonprescription) medicines ask yourself this: Would a quote or factual data from the industry make the story more incisive? If you say yes, the place to call is The Proprietary Association, the industry spokesman. (Our 88 members account for 90% of the market.) Call Linda Yakovich in our Public Affairs Office at 202/393-1700 with any questions you have. We'll dig for data or get you a quote. For more general industry information, mail the coupon. Either way get in touch...before you wrap up that story.

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## The Background.

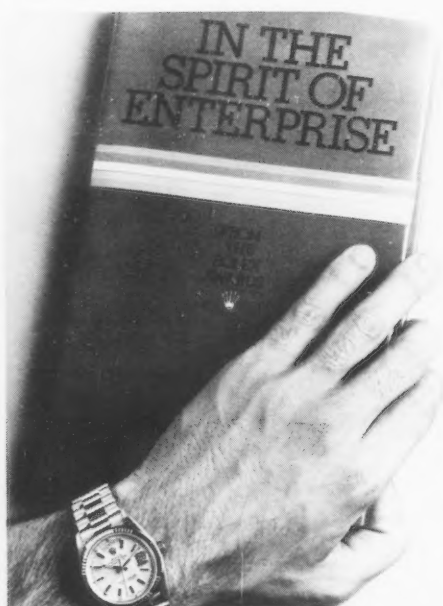
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"In the Spirit of Enterprise" will encourage you to add your own chapter to one of humanity's finest traditions.



"In the Spirit of Enterprise", approximately 380 pages, 60 colour illustrations, hard cover \$14.95, soft cover \$6.95. Published by W. H. Freeman and Company, Department R, 660 Market Street, San Francisco, California 94104, USA. Or through your book store.



# REPORTS

A Report on the Blackout Looting, by Robert Curvin and Bruce Porter with the research assistance of Wayne Barrett, John Wiley & Sons, 1979

In the wake of New York's great blackout of 1977, the Ford Foundation commissioned this investigation of one of its most disturbing aspects—the widespread looting that developed throughout the July night in every borough of the darkened city. A fascinating exercise in the research and analysis of a spontaneous, nonpolitical civil disturbance, the study examines the background, evolution, and aftermath of the phenomenon that stands in dramatic and puzzling contrast to the spirit of neighborly cohesiveness that marked the city's earlier experience in 1965. While the substance of the material is essentially sociological—the types of participants represented at progressive stages of the looting, the kinds of goods stolen, the nature of the police response, the application of the criminal justice system—a brief portion on the role of the local press may hold special interest. Here the authors touch on the coverage by *The New York Times* and the *Daily News* (though those who recall its 24 HOURS OF TERROR headline may wonder at the exclusion of Rupert Murdoch's *New York Post*). According to Curvin and Porter, articles in both papers were replete with statistical distortions and interpretative inaccuracies in material dealing with the characteristics of the indicted looters, their targets, and their motives. Some inaccuracies amounted to simple exaggeration (for example, a report issued by Brooklyn District Attorney Eugene Gold indicating that less than 27 percent of indicted looters had full-time jobs was translated by the *Times* as “almost half,” with the *News* going on to drop the “almost”). Other errors were traceable to confusion in official reports. (While the Gold report refuted the contention that the majority of the looters were jobless and needed food for their families, the City Planning Commission found that the number of supermarkets and food stores looted or damaged was not the twelve totaled by

Gold in his list of those indicted, but eighty-nine; but because felony indictments were more likely to be handed down in cases involving valuable property, rather than groceries, they point out, conclusions drawn from such a list could be decidedly misleading, as in the *Daily News*'s headlines STUDY OF LOOTERS DISPUTES CLAIMS OF HUNGER and FINDS LOOTERS NOT HUNGRY.) And in still other cases, the papers appear to have put too hasty a stamp of confirmation on what were clearly questionable data (a citywide study described by the *Times* as “comprehensive” and by the *News* as “closely documented” was neither of these, the authors believe, and itself had cautioned against sweeping conclusions). Nor, they explain, is such misinformation without serious practical consequence: public debate on the causes of this kind of breakdown in the social contract tends to divide between the “deprivation” theory, on the one hand, and the “riff-raff” theory, on the other, and to choose a theory is to choose a social policy. Their own interpretation of the evidence is that contrary to a CBS–*Times* poll indicating that most New Yorkers did not believe the looters were poor and hungry, the fundamental cause was indeed the increasing poverty, unemployment, and hardship in the old ghettos and new neighborhoods of the city's poor. If the looters were not hungry in the sense that peasants in the French Revolution were without food and bread, they conclude, the message they sent was of a “spiritual kind of hunger, deeply felt by citizens of the ghetto because they simply lack the goods, the material things, and the power to consume that is so thoroughly emphasized by the media in our society.”

“A Secretive Security,” a discussion with David Wise, *The Center Magazine*, July/August 1978

The push for reform of the nation's system of official secrecy prompts this sophisticated exchange by journalists, lawyers, and associates at the Center for the Study of Democratic Institutions in San-

ta Barbara. Wise, author of *The American Police State: The Government Against the People*, focuses in his opening statement on the practical and philosophical issues raised by the inevitable collision of national-security values and those of the First Amendment. If the Carter administration's plans for executive reform leave Wise unimpressed, current talk of a legislative solution, tempting as it may be, rouses his alarm: situations in which journalists are constrained to seek pre-publication clearance from a congressional review board are easy to foresee, he says, as are administrative sanctions against officials who leak to the press information on corruption or about policy issues that have been wrongfully kept from the public. Using the Pentagon Papers case as a touchstone, discussants elaborate on the relative dangers of judicial, legislative, and executive authority in matters of intelligence; the definition of national security in applications of prior restraint; the implicit catch-22 in litigation involving classified documents; and the legitimacy—and limitations—of government actions against employees who break its rules.

“Newspapers, TV and Political Reasoning,” by Peter Clarke and Eric Fredin, *Public Opinion Quarterly*, Summer 1978

Behind this formidable screen of coefficients, variables, and multiple regressions is an original attempt to assess the relative contributions of newspapers and television to informing the public and to determine whether any particular characteristics of media play a part in how informed the people are. Clarke, who is chairman of the department of journalism at the University of Michigan, and Fredin, a doctoral student in mass communication there, conducted interviews with 1,883 adults in twenty-five states representing sixty-seven media markets during the senatorial campaign of 1974. The interviews focused not so much on total media use as on message discrimination and reasoning about political choices. Their findings contradict much

of what has been assumed about the contemporary roles of news media, for they assert that the public not only relies for its political news more on newspapers than on television, but also may suffer from television watching, for they suggest a negative relationship (in effect, a diminution of information) between the degree of television exposure and the amount of information retained by viewers. Without dismissing television as a potent political force, the authors interpret their data as calling into question that medium's educational role in conveying the policy positions of candidates. A "more novel finding" of the study proposes a close association between public understanding and newspaper competition and diversity. Although they heavily qualify their conclusions, Clarke and Fredin claim at the least circumstantial evidence that the presence of more than one newspaper in a city enhances political awareness. If newspaper competition is in decline, they warn, so too may be the level of the public's understanding and, ultimately, the quality of its political judgments.

*Population Handbook*. The Population Reference Bureau, Washington, D.C. 1978, \$2.00

This dandy little primer should prove a boon to journalists who find themselves wrestling with demographic facts. Simply written, intelligently organized, and brightly designed, the paperback defines the terms, describes the calculations, presents examples, and notes the commonly made mistakes in reporting on such compelling human concerns as fertility, mortality, age and sex composition, migration, nuptiality, urbanization, and population change. An extensive list of information sources, with phone numbers, is also included, together with a glossary of all the necessary jargon from Abortion Rate to Zero Population Growth.

*National Directory of Newsletters and Reporting Services*, Gale Research Company, 1978

No small part of the current information blast is produced by the mushrooming newsletter. This paperback reference guide lists 759 of them, covering everything from accounting and advertising to yachts and youth, with economics, labor, agriculture, publishing, education, ecology, broadcasting, health, and the Catgut Acoustical Society in between.

The most popular category in the genre is investments (thirty-one listings), followed by energy (eighteen). Each entry includes a description of subject matter and scope as well as the usual vital statistics. Cross-indexed.

*Women in Newspaper Management: A Status Report*, by David H. Weaver, Christine L. Ogan, Charlene J. Brown, and Mary I. Benedict, Center for New Communications, July 22, 1977

As women in the business know all too well, the daily newspaper industry lags dismally behind other employers in the proportion of women it employs as managers—on the average, according to this report, about one a paper, regardless of size and circulation. Additional analysis of information gathered from questionnaires completed by 558 top managers at 197 dailies and from phone interviews with seventy-four women in various levels of management at sixty-seven papers indicates that paradoxically enough, the women, who are receiving substantially lower salaries than their male counterparts, are at the same time as greatly satisfied with their jobs and with their pay as are the men. (Are the women aware of the disparity, the authors wonder, or do they feel that they are being paid well compared with other women? More research is needed here, they urge, as well as in the related area of the limited aspirations revealed by the women for higher level jobs.) Perhaps the study's most striking statistic develops in response to the question of whom the managers would promote to their positions if they were to leave; whereas 61.5 percent of the women in the mail survey and 82.5 percent of those in the phone survey would replace themselves with a woman, the number of men who would do so amounted to little more than 5 percent. One in a series of research reports designed to be of interest to working journalists and journalism educators (others produced to date deal with such issues as the status of investigative reporting, photojournalism, women in weekly newspaper management, and trends in newspaper readership), copies may be ordered from the Center at Indiana University's School of Journalism for \$2 apiece.

"It Takes More than Talent to Cover a War," by William V. Kennedy, *Army*, July 1978

If Howard Cosell were to make the same kinds of mistakes in his reporting on

football as his general assignment colleagues make every day in their coverage of military affairs, argues the author of this article (who may not be aware of Cosell's frequent howlers), he wouldn't be around long—yet the demand of the press for specialists in everything from sports to society news has yet to be applied when it is covering a war. Using Vietnam as his prime example, Kennedy, a colonel in the U.S. Army Reserve, a former free-lance reporter, and a member of the War College Strategic Studies Institute, represents the reporting of Marguerite Higgins and David Halberstam in the 1960s as symptomatic of a fundamental difference between informed, seasoned expertise and impressionable inexperience at the mercy of sources who may be less than objective. As a singularly instructive case Kennedy offers that of Hanson W. Baldwin, retired military analyst of *The New York Times* and a preeminent authority before he became a Vietnam casualty in what Kennedy terms the war's most important battle—the one waged in the editorial and business offices of the *Times*. Baldwin's papers are now deposited at the Sterling Library at Yale, and Kennedy's analysis of the internal memoranda, of stories cut and killed, yields a fascinating glimpse of a deteriorating journalistic career (and in the author's view, deteriorating journalism): Baldwin's criticism of Secretary McNamara and the Defense Department, severely restricted by *Times* editors sympathetic to the J.F.K. administration; his challenges to Halberstam's data and his subsequent open warfare with the Saigon press corps; his eventual exclusion from the writing of editorials and even from being informed of Harrison Salisbury's trip to Hanoi almost until the first of the articles was ready to run. These were developments not unrelated, Kennedy (and Baldwin) believe, to the *Times*'s decisive shift into "an anti-military bias that began in editorials and spread into the news columns." Kennedy makes a strong plea for the kind of valid, independent news and interpretation that, he believes, only trained military reporters such as Baldwin can deliver (fewer such journalists are around today than in the 1930s, he notes, and none is retained by a major network), whose best work will require supportive editors, a staff to assist, a budget to travel, and a rotation of assignments. And, he adds, a government that tells the truth. G.C.

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# The Lower case

## Tax cut duel in store

Palm Beach (Fla.) Times 7/27/78

The Elk Grove Citizen regrets and retracts the statement printed in the Wednesday, Aug. 30, 1978 edition about Douglas Ferguson. The article inferred and stated that Mr. Ferguson was joining another young man in a Labor Day camping trip and was sharing a sleeping bag with him.

This, however, is not true. Mr. Ferguson is not going camping with anyone over the Labor Day weekend; he does not share his sleeping bag with anyone but his wife; and he is a responsible, respected member of the Elk Grove community.

The Elk Grove Gazette 9/8/78

### Severed leg follows victim after accident

Albuquerque Tribune 7/3/78

### Building needs to be aired

The Sundance (Wyo.) Times 9/7/78

### Mrs. Warner Attacks Super Juvenile Body

The Elkhart (Ind.) Truth 9/13/78

### The dead were in town for wedding

Oregon Journal 7/25/77

### Non-swimmer drowns a hero

Albany (N.Y.) Times-Union 8/4/78

### FBI needed for bank robberies, say officials

The News and Observer (Raleigh, N.C.) 7/22/78

### Texan accused of killing local man to get hearing

Missoulian (Mont.) 9/22/78

### Village burning said illegal

The Lincoln (Neb.) Star 8/25/78

He called on the Kentucky Legislature to clarify the state abortion statute to define whether it applied to pregnant women.

Newsday 8/31/78

Garner followed her husband's aircraft carrier in a Volkswagen van, taking along a typewriter to file stories with hometown papers on the ship's news. The Washington Star 8/22/78

### Beating Witness Provides Names

Quad-City Times (Davenport, Ia.) 8/2/78

The Embassy Room rocked with the same noisy hoopla. The band played "California, Here I Come." Albuquerque Journal 6/5/78

Mrs. Consigny was living alone in her home in Nakoma after her husband died in 1954 when the phone rang.

This Is Madison (Wisc.) 7/8/78

This supplement to the KENTUCKY NEW ERA was prepared in order to feature the career of George L. Atkins Jr. as he has progressed from youth, to business, to Hopkinsville's mayor and finally, candidate for Kentucky governor.

It is in no way intended for the purpose of influencing the results of an election.

Kentucky New Era (Hopkinsville, Ky.) 8/3/78

Police say the bride withstands heavy trucking almost daily.

The Sunday News (Ridgewood, N.J.) 7/9/78

Yet, as that private conversation in Cologne two months ago suggests, the worlds' leaders appear to be powerless to reshape the basic underlying farces.

The Washington Post 9/10/78

George Burns, the national poet of Scotland, found plenty of reason to write of the simple food of his homeland.

The Daily Press (Newport News, Va.) 8/31/78

### About Jim Fiebig

For readers who have been wondering about the Jim Fiebig column, he has stopped writing it. — Ed. The Indianapolis Star 7/25/78

I found no serious scholar in the field who fully agreed with him, and indeed his own dean and two fellow professors recently rebuked him publicly for using his position to attack the Delaney Amendment, which bans carcinogens in a campus publication.

Saturday Review 8/78

# JAGUAR

Photographed at the Royal and Ancient Golf Club, St. Andrews, Scotland.



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